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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/22/2023	.	
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The Appropriations Committee on Transportation, Tourism, and Economic Development (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 96 - 681

and insert:

(82) is added to that section, and subsections (38) and (64) of that section are amended, to read:

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



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11 (38) LOCAL HEARING OFFICER.—The person, designated by a
12 department, county, or municipality that elects to authorize
13 traffic infraction enforcement officers to issue traffic
14 citations under ss. 316.0083(1)(a) and 316.1896(1) ~~s.~~
15 ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to
16 a notice of violation issued pursuant to s. 316.0083 or s.
17 316.1896. The charter county, noncharter county, or municipality
18 may use its currently appointed code enforcement board or
19 special magistrate to serve as the local hearing officer. The
20 department may enter into an interlocal agreement to use the
21 local hearing officer of a county or municipality.

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

26 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
27 system used to detect a motor vehicle's speed using radar and to
28 capture a photograph or video of the rear of a motor vehicle
29 that exceeds the speed limit in force at the time of the
30 violation.

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

33 316.008 Powers of local authorities.—

34 (9) (a) A county or municipality may enforce the speed limit
35 on a roadway properly maintained as a school zone pursuant to s.
36 316.1895 within 30 minutes before the start of a regularly
37 scheduled breakfast program; within 30 minutes before the start
38 of a regularly scheduled school session; during the entirety of
39 a regularly scheduled school session at the posted speed limit;



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40 and within 30 minutes after the end of a regularly scheduled
41 school session through the use of a speed detection system for
42 the detection of speed and capturing of photographs or videos
43 for violations in excess of 10 miles per hour over the school
44 zone speed limit. A school zone's compliance with s. 316.1895
45 creates a rebuttable presumption that the school zone is
46 properly maintained.

47 (b) A county or municipality may place or install, or
48 contract with a vendor to place or install, a speed detection
49 system within a roadway maintained as a school zone as provided
50 in s. 316.1895 to enforce unlawful speed violations, as
51 specified in s. 316.1895(10), on that roadway.

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

54 316.0776 Traffic infraction detectors; speed detection
55 systems; placement and installation.—

56 (1) Traffic infraction detectors are allowed on state roads
57 when permitted by the Department of Transportation and under
58 placement and installation specifications developed by the
59 Department of Transportation. Traffic infraction detectors are
60 allowed on streets and highways under the jurisdiction of
61 counties or municipalities in accordance with placement and
62 installation specifications developed by the Department of
63 Transportation.

64 (2) (a) If the department, county, or municipality installs
65 a traffic infraction detector at an intersection, the
66 department, county, or municipality must ~~shall~~ notify the public
67 that a traffic infraction device may be in use at that
68 intersection and must specifically include notification of



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69 camera enforcement of violations concerning right turns. Such
70 signage used to notify the public must meet the specifications
71 for uniform signals and devices adopted by the Department of
72 Transportation pursuant to s. 316.0745.

73 (b) If the department, county, or municipality begins a
74 traffic infraction detector program in a county or municipality
75 that has never conducted such a program, the respective
76 department, county, or municipality must ~~shall~~ also make a
77 public announcement and conduct a public awareness campaign of
78 the proposed use of traffic infraction detectors at least 30
79 days before commencing the enforcement program.

80 (3) A speed detection system authorized by s. 316.008(9)
81 may be placed or installed in a school zone on a state road when
82 permitted by the Department of Transportation and in accordance
83 with placement and installation specifications developed by the
84 Department of Transportation. The speed detection system may be
85 placed or installed in a school zone on a street or highway
86 under the jurisdiction of a county or a municipality in
87 accordance with placement and installation specifications
88 established by the Department of Transportation. The Department
89 of Transportation shall establish such placement and
90 installation specifications by August 1, 2023.

91 (a) If a county or municipality places or installs a speed
92 detection system as authorized by s. 316.008(9), the county or
93 municipality must notify the public that a speed detection
94 system may be in use by posting signage indicating photographic
95 or video enforcement of the school zone speed limit. Such
96 signage must clearly designate the time period that the school
97 zone speed limit is enforced using a speed detection system, and



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98 the signage must meet the placement and installation
99 specifications established by the Department of Transportation.
100 For a speed detection system enforcing violations of s. 316.1895
101 on a roadway maintained as a school zone, this paragraph governs
102 the signage notifying the public of the use of a speed detection
103 system.

104 (b) If a county or municipality begins a school zone speed
105 detection system program in a county or municipality that has
106 never conducted such a program, the respective county or
107 municipality must make a public announcement and conduct a
108 public awareness campaign of the proposed use of speed detection
109 systems at least 30 days before commencing enforcement under the
110 speed detection system program and must notify the public of the
111 specific date on which the program will commence. During the 30-
112 day public awareness campaign, only a warning may be issued to
113 the registered owner of a motor vehicle for a violation of s.
114 316.1895, enforced by a speed detection system, and liability
115 may not be imposed for the civil penalty under s. 318.18(3)(d).

116 Section 4. Section 316.1894, Florida Statutes, is created
117 to read:

118 316.1894 School Crossing Guard Recruitment and Retention
119 Program.—The law enforcement agency having jurisdiction over a
120 county or municipality conducting a speed detection system
121 program authorized by s. 316.008(9) shall use funds generated
122 pursuant to s. 316.1896(5)(e) from the speed detection system
123 program to administer the School Crossing Guard Recruitment and
124 Retention Program. Such program may provide recruitment and
125 retention stipends to crossing guards at K-12 public schools,
126 including charter schools, or stipends to third parties for the



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127 recruitment of new crossing guards. The School Crossing Guard
128 Recruitment and Retention Program must be designed and managed
129 at the discretion of the law enforcement agency.

130 Section 5. Section 316.1896, Florida Statutes, is created
131 to read:

132 316.1896 Roadways maintained as school zones; speed
133 detection system enforcement; penalties; appeal procedure;
134 privacy; reports.—

135 (1) For purposes of administering this section, a county or
136 municipality may authorize a traffic infraction enforcement
137 officer under s. 316.640 to issue a traffic citation for a
138 violation of the school zone speed limit as authorized by s.
139 316.008(9), as follows:

140 (a) For a violation of s. 316.1895 in excess of 10 miles
141 per hour over the school zone speed limit which occurs within 30
142 minutes before the start of a regularly scheduled breakfast
143 program.

144 (b) For a violation of s. 316.1895 in excess of 10 miles
145 per hour over the school zone speed limit which occurs within 30
146 minutes before the start of a regularly scheduled school
147 session.

148 (c) For a violation of s. 316.1895 in excess of 10 miles
149 per hour over the posted speed limit during the entirety of a
150 regularly scheduled school session.

151 (d) For a violation of s. 316.1895 in excess of 10 miles
152 per hour over the school zone speed limit which occurs within 30
153 minutes after the end of a regularly scheduled school session.

154
155 Such violation must be evidenced by a speed detection system



156 described in ss. 316.008(9) and 316.0776(3). This subsection
157 does not prohibit a review of information from a speed detection
158 system by an authorized employee or agent of a county or
159 municipality before issuance of the traffic citation by the
160 traffic infraction enforcement officer. This subsection does not
161 prohibit a county or municipality from issuing notifications as
162 provided in subsection (2) to the registered owner of the motor
163 vehicle used in violation of s. 316.1895.

164 (2) Within 30 days after a violation, notification must be
165 sent to the registered owner of the motor vehicle involved in
166 the violation, specifying the remedies available under s. 318.14
167 and that the violator must pay the penalty under s. 318.18(3)(d)
168 to the county or municipality, or furnish an affidavit in
169 accordance with subsection (8), within 30 days after the date of
170 the notification of violation in order to avoid court fees,
171 costs, and the issuance of a traffic citation. The notification
172 of violation must:

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

174 (b) Include a photograph or other recorded image showing
175 the license plate of the motor vehicle; the date, time, and
176 location of the violation; the maximum speed at which the motor
177 vehicle was traveling within the school zone; and the speed
178 limit within the school zone at the time of the violation.

179 (c) Include a notice that the owner has the right to
180 review, in person or remotely, the photograph or video captured
181 by the speed detection system and the evidence of the speed of
182 the motor vehicle detected by the speed detection system which
183 constitute a rebuttable presumption that the motor vehicle was
184 used in violation of s. 316.1895.



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

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

202 (4) If the registered owner or co-owner of the motor
203 vehicle; the person identified as having care, custody, or
204 control of the motor vehicle at the time of the violation; or an
205 authorized representative of the owner, co-owner, or identified
206 person initiates a proceeding to challenge the violation, such
207 person waives any challenge or dispute as to the delivery of the
208 notification of violation.

209 (5) Penalties assessed and collected by the county or
210 municipality authorized to collect them as provided for in this
211 section, less the amount retained by the county or municipality
212 pursuant to paragraphs (b) and (e) and the amount remitted to
213 the school district pursuant to paragraph (d), must be paid to



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214 the Department of Revenue weekly. Such payment must be made by
215 means of electronic funds transfer. In addition to the payment,
216 a detailed summary of the penalties remitted must be reported to
217 the Department of Revenue. Penalties to be assessed and
218 collected by the county or municipality as established in s.
219 318.18(3) (d) must be remitted as follows:

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

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

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

228 (d) Twelve dollars must be remitted to the county school
229 district in which the violation occurred and must be used for
230 school security initiatives or student transportation or to
231 improve the safety of student walking conditions. Funds remitted
232 under this paragraph must be shared with charter schools in the
233 district based on each charter school's proportionate share of
234 the district's total unweighted full-time equivalent student
235 enrollment and must be used for school security initiatives or
236 to improve the safety of student walking conditions.

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

240 (6) A traffic citation must be issued by mailing the
241 traffic citation by certified mail to the address of the
242 registered owner of the motor vehicle involved in the violation



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243 if payment has not been made within 30 days after notification
244 under subsection (2), if the registered owner has not requested
245 a hearing as authorized under subsection (3), or if the
246 registered owner has not submitted an affidavit in accordance
247 with subsection (8).

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

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

262 (c) The traffic citation mailed to the registered owner of
263 the motor vehicle involved in the infraction must be accompanied
264 by the information described in paragraphs (2)(b), (c), and (d).

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

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

271 (b) A uniform traffic citation was issued by law



272 enforcement to the driver of the motor vehicle for the alleged
273 violation of s. 316.1895; or

274 (c) The motor vehicle's registered owner was deceased on or
275 before the date that the uniform traffic citation was issued, as
276 established by an affidavit submitted by the representative of
277 the motor vehicle registered owner's estate or other identified
278 person or family member.

279 (8) To establish such facts under subsection (7), the
280 registered owner of the motor vehicle must, within 30 days after
281 the date of issuance of the notice of violation or the traffic
282 citation, furnish to the appropriate governmental entity an
283 affidavit setting forth information supporting an exemption
284 under subsection (7).

285 (a) An affidavit supporting the exemption under paragraph
286 (7) (a) must include the name, address, date of birth, and, if
287 known, the driver license number of the person who leased,
288 rented, or otherwise had care, custody, or control of the motor
289 vehicle at the time of the alleged violation. If the motor
290 vehicle was stolen at the time of the alleged violation, the
291 affidavit must include the police report indicating that the
292 motor vehicle was stolen.

293 (b) If a uniform traffic citation for a violation of s.
294 316.1895 was issued at the location of the violation by a law
295 enforcement officer, the affidavit must include the serial
296 number of the uniform traffic citation.

297 (c) If the motor vehicle's owner to whom a traffic citation
298 has been issued is deceased, the affidavit must include a
299 certified copy of the owner's death certificate showing that the
300 date of death occurred on or before the issuance of the uniform



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301 traffic citation and one of the following:

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

305 2. Documented proof that the registered license plate
306 belonging to the deceased owner's motor vehicle was returned to
307 the department or any branch office or authorized agent of the
308 department after his or her death but on or before the date of
309 the alleged violation.

310 3. A copy of the police report showing that the deceased
311 owner's registered license plate or motor vehicle was stolen
312 after his or her death, but on or before the date of the alleged
313 violation.

314
315 Upon receipt of the affidavit and documentation required under
316 paragraphs (b) and (c), or 30 days after the date of issuance of
317 a notice of violation sent to a person identified as having
318 care, custody, or control of the motor vehicle at the time of
319 the violation under paragraph (a), the county or municipality
320 shall dismiss the notice or citation and provide proof of such
321 dismissal to the person who submitted the affidavit. If, within
322 30 days after the date of a notice of violation sent to a person
323 under subsection (9), the county or municipality receives an
324 affidavit under subsection (10) from the person sent a notice of
325 violation affirming that the person did not have care, custody,
326 or control of the motor vehicle at the time of the violation,
327 the county or municipality must notify the registered owner that
328 the notice or citation will not be dismissed due to failure to
329 establish that another person had care, custody, or control of



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330 the motor vehicle at the time of the violation.

331 (9) Upon receipt of an affidavit under paragraph (8) (a),
332 the county or municipality may issue the person identified as
333 having care, custody, or control of the motor vehicle at the
334 time of the violation a notification of violation pursuant to
335 subsection (2) for a violation of s. 316.1895. The affidavit is
336 admissible in a proceeding pursuant to this section for the
337 purpose of providing evidence that the person identified in the
338 affidavit was in actual care, custody, or control of the motor
339 vehicle. The owner of a leased motor vehicle for which a traffic
340 citation is issued for a violation of s. 316.1895 is not
341 responsible for paying the traffic citation and is not required
342 to submit an affidavit as specified in subsection (8) if the
343 motor vehicle involved in the violation is registered in the
344 name of the lessee of such motor vehicle.

345 (10) If a county or municipality receives an affidavit
346 under paragraph (8) (a), the notification of violation required
347 under subsection (2) must be sent to the person identified in
348 the affidavit within 30 days after receipt of the affidavit. The
349 person identified in an affidavit and sent a notice of violation
350 may also affirm that he or she did not have care, custody, or
351 control of the motor vehicle at the time of the violation by
352 furnishing to the appropriate governmental entity within 30 days
353 after the date of the notice of violation an affidavit stating
354 such.

355 (11) The submission of a false affidavit is a misdemeanor
356 of the second degree, punishable as provided in s. 775.082 or s.
357 775.083.

358 (12) The photograph or video captured by a speed detection



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359 system and the evidence of the speed of the motor vehicle
360 detected by a speed detection system which are attached to or
361 referenced in the traffic citation are evidence of a violation
362 of s. 316.1895 and are admissible in any proceeding to enforce
363 this section. The photograph or video and the evidence of speed
364 detected raise a rebuttable presumption that the motor vehicle
365 named in the report or shown in the photograph or video was used
366 in violation of s. 316.1895.

367 (13) This section supplements the enforcement of s.
368 316.1895 by a law enforcement officer and does not prohibit a
369 law enforcement officer from issuing a traffic citation for a
370 violation of s. 316.1895.

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

373 (a) The department shall publish and make available
374 electronically to each county and municipality a model request
375 for hearing form to assist each local government administering
376 this section.

377 (b) The county or municipality electing to authorize
378 traffic infraction enforcement officers to issue traffic
379 citations under subsection (6) shall designate by resolution
380 existing staff to serve as the clerk to the local hearing
381 officer.

382 (c) Any person, referred to as the "petitioner" in this
383 subsection, who elects to request a hearing under subsection (3)
384 must be scheduled for a hearing by the clerk of the court with
385 the local hearing officer. The clerk shall furnish the
386 petitioner with notice sent by first-class mail. Upon receipt of
387 the notice, the petitioner may reschedule the hearing up to two



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388 times by submitting a written request to reschedule to the clerk
389 of the court at least 5 calendar days before the day of the
390 scheduled hearing. The petitioner may cancel his or her
391 appearance before the local hearing officer by paying the
392 penalty assessed under subsection (2), plus the administrative
393 costs established in s. 316.0083(5)(c), before the start of the
394 hearing.

395 (d) All testimony at the hearing must be under oath and
396 must be recorded. The local hearing officer shall take testimony
397 from a traffic infraction enforcement officer, and the
398 petitioner and may take testimony from others. The local hearing
399 officer shall review the photograph or video captured by the
400 speed detection system and the evidence of the speed of the
401 motor vehicle detected by the speed detection system made
402 available under paragraph (2)(b). Formal rules of evidence do
403 not apply, but due process must be observed and must govern the
404 proceedings.

405 (e) At the conclusion of the hearing, the local hearing
406 officer shall determine whether a violation under this section
407 occurred and shall uphold or dismiss the violation. The local
408 hearing officer shall issue a final administrative order
409 including the determination and, if the notification of
410 violation is upheld, must require the petitioner to pay the
411 penalty previously assessed under subsection (2), and may also
412 require the petitioner to pay county or municipal costs not to
413 exceed the amount established in s. 316.0083(5)(e). The final
414 administrative order shall be mailed to the petitioner by first-
415 class mail.

416 (f) An aggrieved party may appeal a final administrative



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417 order consistent with the process provided in s. 162.11.

418 (15) (a) 1. Notwithstanding any other law, speed detection
419 systems in school zones as provided in this section may not be
420 capable of automated or user-controlled remote surveillance.

421 2. Recorded photograph or video collected as part of a
422 speed detection system in a school zone may be used only to
423 document violations of s. 316.1895 and for purposes of
424 determining criminal or civil liability.

425 3. Any recorded photograph or video obtained through the
426 use of a speed detection system must be destroyed within 90 days
427 after the final disposition of the recorded event. The vendor of
428 a speed detection system shall provide the county or
429 municipality with written notice by December 31 of each year
430 that such records have been destroyed in accordance with this
431 subsection.

432 (b) Notwithstanding any other law, registered motor vehicle
433 owner information obtained as a result of the operation of a
434 speed detection system in a school zone is not the property of
435 the manufacturer or vendor of the speed detection system and may
436 be used only for the purposes of this section.

437 (16) (a) Each county or municipality that operates a speed
438 detection system shall submit a report by October 1, 2024, and
439 annually thereafter, to the department which details the results
440 of the speed detection systems in school zones and the
441 procedures for enforcement in the preceding state fiscal year.
442 The information submitted by counties and municipalities must
443 include:

444 1. The locations of the speed detection systems, the date
445 the systems were activated to enforce violations of s. 316.1895,



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446 and the date the systems were deactivated if applicable.

447 2. The number of notices of violations issued, how many
448 were contested, and how many were paid per state fiscal year.

449 3. Any other statistical data and information required by
450 the department to complete the report required under paragraph
451 (b).

452 (b) On or before December 31, 2024, and annually
453 thereafter, the department shall provide a summary report to the
454 Governor, the President of the Senate, and the Speaker of the
455 House of Representatives regarding the use of speed detection
456 systems under this section, along with the department's
457 recommendations and any recommended legislation. The summary
458 report must include a review of the information submitted to the
459 department by the counties and municipalities and must describe
460 the enhancement of traffic safety and enforcement programs.

461 Section 6. Section 316.1906, Florida Statutes, is amended
462 to read:

463 316.1906 Radar speed-measuring devices; speed detection
464 systems; evidence, admissibility.-

465 (1) DEFINITIONS.-

466 (a) "Audio Doppler" means a backup audible signal that
467 translates the radar's Doppler shift into a tone which can be
468 heard by the radar operator.

469 (b) "Audio warning tone" refers to an auxiliary radar
470 device which alerts the operator, by means of an audible tone,
471 to the presence of a speed registration above a preset level.

472 (c) "Automatic speed lock" refers to an auxiliary radar
473 device which immediately holds any speed reading obtained above
474 a preset level.



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475 (d) "Officer" means any:

476 1. "Law enforcement officer" who is elected, appointed, or
477 employed full time by any municipality or the state or any
478 political subdivision thereof; who is vested with the authority
479 to bear arms and make arrests; and whose primary responsibility
480 is the prevention and detection of crime or the enforcement of
481 the penal, criminal, traffic, or highway laws of the state;

482 2. "Part-time law enforcement officer" who is employed or
483 appointed less than full time, as defined by an employing
484 agency, with or without compensation; who is vested with
485 authority to bear arms and make arrests; and whose primary
486 responsibility is the prevention and detection of crime or the
487 enforcement of the penal, criminal, traffic, or highway laws of
488 the state; ~~or~~

489 3. "Auxiliary law enforcement officer" who is employed or
490 appointed, with or without compensation; who aids or assists a
491 full-time or part-time law enforcement officer; and who, while
492 under the direct supervision of a full-time or part-time law
493 enforcement officer, has the authority to arrest and perform law
494 enforcement functions; or

495 4. "Traffic infraction enforcement officer" who is employed
496 or appointed, with or without compensation, and who satisfies
497 the requirements of s. 316.640(5) and is vested with authority
498 to enforce a violation of s. 316.1895 pursuant to s. 316.1896.

499 (e) "Radar" means law enforcement speed radar, any laser-
500 based or microwave-based speed-measurement system employed by a
501 law enforcement agency to detect the speed of motorists.

502 (2) Evidence of the speed of a vehicle measured by any
503 radar speed-measuring device shall be inadmissible in any



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504 proceeding with respect to an alleged violation of provisions of
505 law regulating the lawful speed of vehicles, unless such
506 evidence of speed is obtained by an officer who:

507 (a) Has satisfactorily completed the radar training course
508 established by the Criminal Justice Standards and Training
509 Commission pursuant to s. 943.17(1)(b).

510 (b) Has made an independent visual determination that the
511 vehicle is operating in excess of the applicable speed limit.

512 (c) Has written a citation based on evidence obtained from
513 radar when conditions permit the clear assignment of speed to a
514 single vehicle.

515 (d) Is using radar which has no automatic speed locks and
516 no audio alarms, unless disconnected or deactivated.

517 (e) Is operating radar with audio Doppler engaged.

518 (f) Is using a radar unit which meets the minimum design
519 criteria for such units established by the Department of Highway
520 Safety and Motor Vehicles.

521 (3) A speed detection system is exempt from the design
522 requirements for radar units established by the department. A
523 speed detection system must have the ability to perform self-
524 tests as to its detection accuracy. The system must perform a
525 self-test at least once every 30 days. The law enforcement
526 agency, or an agent acting on behalf of the law enforcement
527 agency, operating a speed detection system shall maintain a log
528 of the results of the system's self-tests. The law enforcement
529 agency, or an agent acting on behalf of the law enforcement
530 agency, operating a speed detection system shall also perform an
531 independent calibration test on the speed detection system at
532 least once every 12 months. The self-test logs, as well as the



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533 results of the annual calibration test, are admissible in any
534 court proceeding for a traffic citation issued for a violation
535 of s. 316.1895 enforced pursuant to s. 316.1896. Notwithstanding
536 subsection (2), evidence of the speed of a motor vehicle
537 detected by a speed detection system compliant with this
538 subsection and the determination by a traffic enforcement
539 officer that a motor vehicle is operating in excess of the
540 applicable speed limit is admissible in any proceeding with
541 respect to an alleged violation of law regulating the speed of
542 vehicles in school zones.

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

547 318.18 Amount of penalties.—The penalties required for a
548 noncriminal disposition pursuant to s. 318.14 or a criminal
549 offense listed in s. 318.17 are as follows:

550 (3)

551 (d) Notwithstanding paragraphs (b) and (c), a person cited
552 for exceeding the speed limit in force at the time of the
553 violation on a roadway maintained as a school zone as provided
554 in s. 316.1895, when enforced by a traffic infraction
555 enforcement officer pursuant to s. 316.1896, shall pay a fine of
556 \$100.

557 Section 8. Paragraph (d) of subsection (3) of section
558 322.27, Florida Statutes, is amended, and paragraph (e) is added
559 to that subsection, to read:

560 322.27 Authority of department to suspend or revoke driver
561 license or identification card.—



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562 (3) There is established a point system for evaluation of
563 convictions of violations of motor vehicle laws or ordinances,
564 and violations of applicable provisions of s. 403.413(6) (b) when
565 such violations involve the use of motor vehicles, for the
566 determination of the continuing qualification of any person to
567 operate a motor vehicle. The department is authorized to suspend
568 the license of any person upon showing of its records or other
569 good and sufficient evidence that the licensee has been
570 convicted of violation of motor vehicle laws or ordinances, or
571 applicable provisions of s. 403.413(6) (b), amounting to 12 or
572 more points as determined by the point system. The suspension
573 shall be for a period of not more than 1 year.

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

- 577 1. Reckless driving, willful and wanton—4 points.
578 2. Leaving the scene of a crash resulting in property
579 damage of more than \$50—6 points.
580 3. Unlawful speed, or unlawful use of a wireless
581 communications device, resulting in a crash—6 points.
582 4. Passing a stopped school bus:
583 a. Not causing or resulting in serious bodily injury to or
584 death of another—4 points.
585 b. Causing or resulting in serious bodily injury to or
586 death of another—6 points.
587 5. Unlawful speed:
588 a. Not in excess of 15 miles per hour of lawful or posted
589 speed—3 points.
590 b. In excess of 15 miles per hour of lawful or posted



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591 speed-4 points.

592 6. A violation of a traffic control signal device as
593 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
594 However, ~~no~~ points may not shall be imposed for a violation of
595 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
596 stop at a traffic signal and when enforced by a traffic
597 infraction enforcement officer. In addition, a violation of s.
598 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
599 stop at a traffic signal and when enforced by a traffic
600 infraction enforcement officer may not be used for purposes of
601 setting motor vehicle insurance rates.

602 7. All other moving violations (including parking on a
603 highway outside the limits of a municipality)-3 points. However,
604 ~~no~~ points may not shall be imposed for a violation of s.
605 316.0741 or s. 316.2065(11); and points may shall be imposed for
606 a violation of s. 316.1001 only when imposed by the court after
607 a hearing pursuant to s. 318.14(5).

608 8. Any moving violation covered in this paragraph,
609 excluding unlawful speed and unlawful use of a wireless
610 communications device, resulting in a crash-4 points.

611 9. Any conviction under s. 403.413(6)(b)-3 points.

612 10. Any conviction under s. 316.0775(2)-4 points.

613 11. A moving violation covered in this paragraph which is
614 committed in conjunction with the unlawful use of a wireless
615 communications device within a school safety zone-2 points, in
616 addition to the points assigned for the moving violation.

617 (e) Points may not be imposed for a violation of unlawful
618 speed as provided in s. 316.183 or s. 316.1895 when enforced by
619 a traffic infraction enforcement officer pursuant to s.



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620 316.1896. In addition, a violation of s. 316.183 or s. 316.1895
621 when enforced by a traffic infraction enforcement officer
622 pursuant to s. 316.1896 may not be used for purposes of setting
623 motor vehicle insurance rates.

624 Section 9. Paragraph (a) of subsection (3) of section
625 316.306, Florida Statutes, is amended to read:

626 316.306 School and work zones; prohibition on the use of a
627 wireless communications device in a handheld manner.—

628 (3)(a)1. A person may not operate a motor vehicle while
629 using a wireless communications device in a handheld manner in a
630 designated school crossing, school zone, or work zone area as
631 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph is
632 ~~shall~~ only be applicable to work zone areas if construction
633 personnel are present or are operating equipment on the road or
634 immediately adjacent to the work zone area. For the purposes of
635 this paragraph, a motor vehicle that is stationary is not being
636 operated and is not subject to the prohibition in this
637 paragraph.

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

642 Section 10. Paragraph (a) of subsection (5) of section
643 316.640, Florida Statutes, is amended to read:

644 316.640 Enforcement.—The enforcement of the traffic laws of
645 this state is vested as follows:

646 (5)(a) Any sheriff's department or police department of a
647 municipality may employ, as a traffic infraction enforcement
648 officer, any individual who successfully completes instruction



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649 in traffic enforcement procedures and court presentation through
650 the Selective Traffic Enforcement Program as approved by the
651 Division of Criminal Justice Standards and Training of the
652 Department of Law Enforcement, or through a similar program, but
653 who does not necessarily otherwise meet the uniform minimum
654 standards established by the Criminal Justice Standards and
655 Training Commission for law enforcement officers or auxiliary
656 law enforcement officers under s. 943.13. Any such traffic
657 infraction enforcement officer who observes the commission of a
658 traffic infraction or, in the case of a parking infraction, who
659 observes an illegally parked vehicle may issue a traffic
660 citation for the infraction when, based upon personal
661 investigation, he or she has reasonable and probable grounds to
662 believe that an offense has been committed which constitutes a
663 noncriminal traffic infraction as defined in s. 318.14. In
664 addition, any such traffic infraction enforcement officer may
665 issue a traffic citation under s. 316.0083 or s. 316.1896. For
666 purposes of enforcing s. 316.0083 or s. 316.1895, any sheriff's
667 department or police department of a municipality may designate
668 employees as traffic infraction enforcement officers. The
669 traffic infraction enforcement officers must be physically
670 located in the county of the respective sheriff's or police
671 department.

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

674 316.650 Traffic citations.—

675 (3) (a) Except for a traffic citation issued pursuant to s.
676 316.0083, s. 316.1001, or s. 316.1896 ~~or s. 316.0083~~, each
677 traffic enforcement officer, upon issuing a traffic citation to



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678 an alleged violator of any provision of the motor vehicle laws
679 of this state or of any traffic ordinance of any municipality or
680 town, shall deposit the original traffic citation or, in the
681 case of a traffic enforcement agency that has an automated
682 citation issuance system, the chief administrative officer shall
683 provide by an electronic transmission a replica of the citation
684 data to a court having jurisdiction over the alleged offense or
685 with its traffic violations bureau within 5 business days after
686 issuance

687
688 ===== T I T L E A M E N D M E N T =====

689 And the title is amended as follows:

690 Delete lines 3 - 87

691 and insert:

692 limits; amending s. 316.003, F.S.; revising the
693 definition of the term "local hearing officer";
694 defining the term "speed detection system"; amending
695 s. 316.008, F.S.; authorizing a county or municipality
696 to enforce the speed limit in a school zone during
697 specified periods through the use of a speed detection
698 system; providing a rebuttable presumption;
699 authorizing a county or a municipality to install, or
700 contract with a vendor to install, speed detection
701 systems in school zones; amending s. 316.0776, F.S.;
702 specifying conditions for the placement or
703 installation of speed detection systems; requiring the
704 Department of Transportation to establish certain
705 specifications by a specified date; requiring counties
706 and municipalities that install speed detection



707 systems in school zones to provide certain notice to
708 the public; specifying signage requirements; requiring
709 counties and municipalities that have never conducted
710 a speed detection system program to make a public
711 announcement and conduct a public awareness campaign
712 before commencing enforcement under the program;
713 limiting penalties in effect during the public
714 awareness campaign; creating s. 316.1894, F.S.;
715 requiring local governments to use funds generated
716 from a certain program for school crossing guard
717 recruitment and retention; providing that the law
718 enforcement agency in the local government
719 administering the program has certain discretion
720 regarding designing and managing the program; creating
721 s. 316.1896, F.S.; authorizing counties and
722 municipalities to authorize traffic infraction
723 enforcement officers to issue traffic citations for
724 certain violations; requiring certain violations to be
725 evidenced by a speed detection system; providing
726 construction; specifying notification requirements and
727 procedures; authorizing a person who receives a
728 notification of violation to request a hearing within
729 a specified timeframe; defining the term "person";
730 providing for the waiver of a challenge or dispute as
731 to the delivery of the notification of violation;
732 requiring counties and municipalities to pay certain
733 funds to the Department of Revenue; providing for the
734 distribution of funds; specifying requirements for
735 issuance of a traffic citation; providing for the



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736 waiver of a challenge or dispute as to the delivery of
737 the traffic citation; specifying notification
738 requirements and procedures; specifying that the
739 registered owner of a motor vehicle is responsible and
740 liable for paying a traffic citation; providing
741 exceptions; requiring an owner of a motor vehicle to
742 furnish an affidavit under certain circumstances;
743 specifying requirements for such affidavit; requiring
744 the county or municipality to dismiss the notice or
745 citation and provide proof such dismissal under
746 certain circumstances; requiring the county or
747 municipality to notify the registered owner that the
748 notice or citation will not be dismissed under certain
749 circumstances; authorizing the county or municipality
750 to issue a certain person a notification of violation;
751 providing that the affidavit is admissible in a
752 proceeding for the purpose of proving who was
753 operating the motor vehicle at the time of the
754 violation; providing that the owner of a leased
755 vehicle is not responsible for paying a traffic
756 citation or submitting an affidavit; specifying a
757 timeframe for a county or a municipality to issue a
758 notification under certain circumstances; requiring
759 certain persons to issue an affidavit; providing a
760 criminal penalty for submitting a false affidavit;
761 providing that certain photographs or videos and
762 evidence of speed are admissible in certain
763 proceedings; providing a rebuttable presumption;
764 providing construction; specifying requirements and



765 procedures for hearings; providing procedures for
766 appeal; prohibiting speed detection systems in school
767 zones from being capable of automated or user-
768 controlled remote surveillance; providing that certain
769 recorded photographs or videos may be used only for a
770 certain purpose; requiring certain photographs or
771 video to be destroyed within a certain timeframe;
772 requiring the vendor of a speed detection system to
773 provide certain written notice; providing that certain
774 registered motor vehicle information may be used only
775 for certain purposes; requiring counties and
776 municipalities that operate a speed detection system
777 to submit a certain report to the department;
778 requiring the department to provide a certain report
779 to the Legislature; amending s. 316.1906, F.S.;
780 revising the definition of the term "officer";
781 exempting a speed detection system from the design
782 requirements for radar units; specifying requirements
783 for speed detection systems; requiring a law
784 enforcement agency and its agents operating a speed
785 detection system to maintain a log of results of the
786 system's self-tests; requiring a law enforcement
787 agency and its agents to perform independent
788 calibration tests of such systems within a specified
789 timeframe; providing for the admissibility of certain
790 evidence in certain proceedings; amending s. 318.18,
791 F.S.; providing a civil penalty for a certain speed
792 limit violation; amending s. 322.27, F.S.; prohibiting
793 points from being imposed against a driver license for



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794 certain infractions enforced by a traffic infraction
795 enforcement officer; prohibiting such infractions from
796 being used to set motor vehicle insurance rates;
797 amending s. 316.306, F.S.; conforming a cross-
798 reference; amending s. 316.640, F.S.; conforming a
799 provision to changes made by the act; amending s.
800 316.650, F.S.; conforming provisions to changes made
801 by the act; requiring the chief administrative officer
802 to provide certain data within 5 business days;
803 amending ss. 318.14, 318.21, and 655.960, F.S.;
804 conforming cross-references