

By Senator Rodriguez

40-00379-23

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1                                   A bill to be entitled  
2       An act relating to enforcement of school zone speed  
3       limits; amending s. 316.003, F.S.; defining the term  
4       "speed detection system"; amending s. 316.008, F.S.;  
5       authorizing counties and municipalities to install, or  
6       contract with a vendor to install, speed detection  
7       systems in school zones; authorizing counties and  
8       municipalities to enforce speed limits in school zones  
9       on certain roads and at specified periods through the  
10      use of speed detection systems; providing a rebuttable  
11      presumption; amending s. 316.0776, F.S.; specifying  
12      conditions for the placement or installation of speed  
13      detection systems; requiring the Department of  
14      Transportation to establish certain specifications by  
15      a specified date; requiring counties and  
16      municipalities that install speed detection systems in  
17      school zones to provide certain notice to the public;  
18      specifying signage requirements; requiring counties  
19      and municipalities that have never conducted a speed  
20      detection system program to conduct a public awareness  
21      campaign before commencing enforcement using such  
22      system; limiting penalties in effect during the public  
23      awareness campaign; creating s. 316.1894, F.S.;  
24      requiring local governments to use a portion of funds  
25      generated from a certain program for school crossing  
26      guard recruitment and retention; providing that the  
27      administering law enforcement agency has certain  
28      discretion within its local jurisdiction; creating s.  
29      316.1896, F.S.; authorizing counties and

40-00379-23

2023588\_\_

30 municipalities to authorize traffic infraction  
31 enforcement officers to issue traffic citations for  
32 certain violations; requiring notification or traffic  
33 citations issued through the use of a speed detection  
34 system to contain certain items; providing  
35 construction; specifying notification requirements and  
36 procedures; authorizing a person who receives a  
37 notification of violation to request a hearing within  
38 a specified timeframe; defining the term "person";  
39 providing for waiver of challenge or dispute as to the  
40 delivery of the notification of violation; requiring  
41 counties and municipalities to pay certain funds to  
42 the Department of Revenue; providing for the  
43 distribution of funds; specifying requirements for  
44 issuance of a traffic citation; providing for waiver  
45 of challenge or dispute as to the delivery of the  
46 traffic citation; specifying notification requirements  
47 and procedures; specifying that the registered owner  
48 of a motor vehicle is responsible and liable for  
49 paying a traffic citation; providing exceptions;  
50 requiring an owner of a motor vehicle to furnish an  
51 affidavit under certain circumstances; specifying  
52 requirements for such affidavit; requiring that the  
53 citation be dismissed if an affidavit and certain  
54 documentation are received by a governmental entity;  
55 providing that the affidavit is admissible in a  
56 proceeding for the purpose of proving who was  
57 operating the motor vehicle at the time of the  
58 violation; providing that the owner of a leased

40-00379-23

2023588\_\_

59 vehicle is not responsible for paying a traffic  
60 citation or submitting an affidavit; specifying a  
61 timeframe for a county or a municipality to issue a  
62 notification under certain circumstances; providing a  
63 criminal penalty for submitting a false affidavit;  
64 providing that certain images or video and evidence of  
65 speed are admissible in certain proceedings; providing  
66 a rebuttable presumption; providing construction;  
67 specifying requirements and procedures for hearings;  
68 providing procedures for appeal; amending s. 316.1906,  
69 F.S.; revising the definition of the term "officer";  
70 exempting a speed detection system from the design  
71 requirements for radar units; specifying requirements  
72 for speed detection systems; requiring a law  
73 enforcement agency and its agents operating a speed  
74 detection system to maintain a log of results of the  
75 system's self-tests; requiring a law enforcement  
76 agency and its agents to perform independent  
77 calibration tests of such systems; providing for the  
78 admissibility of certain evidence in certain  
79 proceedings; amending s. 318.18, F.S.; providing a  
80 civil penalty for a certain speed limit violation;  
81 amending s. 322.27, F.S.; prohibiting points from  
82 being imposed against a driver license for certain  
83 infractions enforced by a traffic infraction  
84 enforcement officer; prohibiting such infractions from  
85 being used to set motor vehicle insurance rates;  
86 amending ss. 316.306, 316.640, 316.650, 318.14,  
87 318.21, and 655.960, F.S.; conforming cross-references

40-00379-23

2023588\_\_

88 and provisions to changes made by the act; providing  
89 an effective date.

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

92

93 Section 1. Present subsections (82) through (109) of  
94 section 316.003, Florida Statutes, are redesignated as  
95 subsections (83) through (110), respectively, a new subsection  
96 (82) is added to that section, and subsection (64) of that  
97 section is amended, to read:

98 316.003 Definitions.—The following words and phrases, when  
99 used in this chapter, shall have the meanings respectively  
100 ascribed to them in this section, except where the context  
101 otherwise requires:

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

106 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated  
107 system used to record a vehicle's speed using radar and to  
108 capture a photograph or video of the rear of a vehicle that  
109 exceeds the speed limit in force at the time of a violation.

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

112 316.008 Powers of local authorities.—

113 (9) (a) A county or municipality may place or install, or  
114 contract with a vendor to place or install, a speed detection  
115 system on a road maintained as a school zone as provided in s.  
116 316.1895 to enforce unlawful speed violations of s. 316.183 or

40-00379-23

2023588\_\_

117 316.1895 on that road.

118 (b) A county or municipality may enforce speed limits on  
119 roads maintained as school zones pursuant to s. 316.1895 within  
120 30 minutes before and after a regularly scheduled breakfast  
121 program or a regularly scheduled school session at the  
122 restrictive school zone speed limit; during the entirety of a  
123 regularly scheduled school session at the nonrestrictive speed  
124 limit; and 30 minutes before and after the end of a regularly  
125 scheduled school session at the restrictive school zone speed  
126 limit, through the use of a speed detection system for the  
127 measurement of speed and recording of photographs or videos for  
128 violations in excess of 10 miles per hour over the posted speed  
129 limit in force at the time of the violation. A school zone's  
130 compliance with s. 316.1895, except for s. 316.1895(6) relating  
131 to a sign stating "Speeding Fines Doubled" as otherwise  
132 specified in s. 316.0776, creates a rebuttable presumption that  
133 the school zone is being properly maintained.

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

136 316.0776 Traffic infraction detectors; placement and  
137 installation.—

138 (3) A speed detection system may be placed or installed on  
139 a state road after such placement or installation is permitted  
140 by the Department of Transportation and in accordance with  
141 placement and installation specifications developed by the  
142 Department of Transportation. A speed detection system may be  
143 placed or installed on a street or highway under the  
144 jurisdiction of a county or a municipality in accordance with  
145 placement and installation specifications established by the

40-00379-23

2023588

146 Department of Transportation. The Department of Transportation  
147 shall establish such placement and installation specifications  
148 by August 1, 2023.

149 (a) If a county or municipality places or installs a speed  
150 detection system on a road maintained as a school zone as  
151 provided in s. 316.1895, the county or municipality must notify  
152 the public that a speed detection system may be in use, by  
153 posting signage of camera or video enforcement of violations.  
154 Such signage used to notify the public must meet the  
155 specifications for uniform signals and devices adopted by the  
156 Department of Transportation pursuant to s. 316.0745. For speed  
157 detection systems enforcing violations of ss. 316.183 and  
158 316.1895 on roads maintained as school zones, this paragraph  
159 governs the signage notifying the public of the use of a speed  
160 detection system, and a sign stating "Speeding Fines Doubled,"  
161 as provided in s. 316.1895(6), is not required when a violation  
162 of s. 316.1895 is enforced by a speed detection system in a  
163 designated school zone.

164 (b) If a county or municipality begins a speed detection  
165 system program and has never previously conducted such a  
166 program, the respective county or municipality must make a  
167 public announcement and conduct a public awareness campaign on  
168 the proposed use of speed detection systems at least 30 days  
169 before commencing enforcement under the speed detection system  
170 program and must notify the public of the specific date on which  
171 the program will commence. During the 30-day public awareness  
172 campaign about the speed detection system program, only a  
173 warning may be issued to the registered owner for a violation of  
174 s. 316.183 or s. 316.1895, and liability may not be imposed for

40-00379-23

2023588\_\_

175 the civil penalty under s. 318.18(3)(d).

176 Section 4. Section 316.1894, Florida Statutes, is created  
177 to read:

178 316.1894 School crossing guard recruitment and retention  
179 programs.—The law enforcement agency in the local government  
180 unit administering a program that fines motorists for violations  
181 of the speed limit on a road maintained as a school zone  
182 pursuant to s. 316.1895 shall use a portion of funds generated  
183 from the program pursuant to s. 316.1896(5)(e) for school  
184 crossing guard recruitment and retention programs. These  
185 programs may provide recruitment and retention stipends to  
186 crossing guards at K-12 public schools, including charter  
187 schools, or stipends to third parties for the recruitment of new  
188 crossing guards. The administering law enforcement agency has  
189 discretion to design and manage crossing guard recruitment and  
190 retention programs within its local jurisdiction.

191 Section 5. Section 316.1896, Florida Statutes, is created  
192 to read:

193 316.1896 Areas maintained as school zones; speed detection  
194 system enforcement; penalties; appeal procedure.—

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

200 (a) For a violation of s. 316.1895 in excess of 10 miles  
201 per hour over the restrictive speed limit which occurs within 30  
202 minutes before or after a regularly scheduled breakfast program  
203 or a regularly scheduled school session.

40-00379-23

2023588\_\_

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

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

210  
211 Such violation must be evidenced by a speed detection system.  
212 This subsection does not prohibit a review of information from a  
213 speed detection system by an authorized employee or agent of a  
214 county or municipality before issuance of the traffic citation  
215 by the traffic infraction enforcement officer. This subsection  
216 does not prohibit a county or municipality from issuing  
217 notifications as provided in subsection (2) to the registered  
218 owner of the motor vehicle in violation of s. 316.183 or s.  
219 316.1895.

220 (2) Any notification or traffic citation issued through the  
221 use of a speed detection system must include a photograph or  
222 other recorded image showing the license tag of the vehicle; the  
223 date, time, and location of the vehicle; the maximum speed at  
224 which the vehicle was traveling; and the posted speed at the  
225 time of the violation.

226 (3) Within 30 days after a violation, notification must be  
227 sent to the registered owner of the motor vehicle involved in  
228 the violation, specifying the remedies available under s. 318.14  
229 and that the violator must pay the penalty under s. 318.18(3)(d)  
230 to the county or municipality, or furnish an affidavit in  
231 accordance with subsection (8), within 30 days after the date of  
232 the notification of violation in order to avoid court fees,

40-00379-23

2023588\_\_

233 costs, and the issuance of a traffic citation. The notification  
234 of violation must:

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

236 (b) Include a notice that the owner has the right to  
237 review, in person or remotely, the photographic or electronic  
238 images or streaming video and the evidence of the speed of the  
239 vehicle as measured by a speed detection system which constitute  
240 a rebuttable presumption against the owner of the vehicle.

241 (c) State the time when, and place or website where, the  
242 images or video and evidence of speed may be examined and  
243 observed.

244 (4) Notwithstanding any other law, a person who receives a  
245 notification of violation under this section may request a  
246 hearing within 30 days after the notification of violation or  
247 pay the penalty pursuant to the notification of violation, but a  
248 payment or fee may not be required before the hearing requested  
249 by the person. The notification of violation must be accompanied  
250 by, or direct the person to a website that provides, information  
251 on the person's right to request a hearing, information on all  
252 court-related costs, and a form for requesting a hearing. As  
253 used in this subsection, the term "person" includes a natural  
254 person, the registered owner or co-owner of a motor vehicle, or  
255 the person identified in an affidavit as having actual care,  
256 custody, or control of a motor vehicle at the time of the  
257 violation.

258 (5) If the registered owner or co-owner of the motor  
259 vehicle; the person designated as having care, custody, or  
260 control of the motor vehicle at the time of the violation; or an  
261 authorized representative of the owner, co-owner, or designated

40-00379-23

2023588\_\_

262 person initiates a proceeding to challenge the violation, he or  
263 she waives any challenge or dispute as to the delivery of the  
264 notification of violation.

265 (6) Penalties assessed and collected by the county or  
266 municipality authorized to collect the funds provided for in  
267 this section, less the amount retained by the county or  
268 municipality pursuant to paragraphs (b) and (e) and the amount  
269 remitted to the public school district pursuant to paragraph  
270 (d), must be paid to the Department of Revenue weekly. Payment  
271 by the county or municipality to the state must be made by means  
272 of electronic funds transfer. In addition to the payment, a  
273 detailed summary of the penalties remitted must be reported to  
274 the Department of Revenue. Penalties assessed and collected by  
275 the county or municipality as established in s. 318.18(3)(d)  
276 shall be remitted or retained as follows:

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

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

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

285 (d) Twelve dollars shall be remitted by the county or  
286 municipality to the public school district in which the  
287 violation occurred and must be used for school security  
288 initiatives, for student transportation, or to improve the  
289 safety of student walking conditions. Funds remitted under this  
290 paragraph shall be shared with charter schools in the district

40-00379-23

2023588\_\_

291 based on each charter school's proportionate share of the  
292 district's total unweighted full-time equivalent student  
293 enrollment and must be used for school security initiatives or  
294 to improve the safety of student walking conditions.

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

298 (7) A traffic citation must be issued by mailing the  
299 traffic citation by certified mail to the address of the  
300 registered owner of the motor vehicle involved in the violation  
301 if payment has not been made within 30 days after notification  
302 under subsection (2), if the registered owner has not requested  
303 a hearing as authorized under subsection (3), or if the  
304 registered owner has not submitted an affidavit in accordance  
305 with subsection (8).

306 (a) Delivery of the traffic citation constitutes  
307 notification under this subsection. If the registered owner or  
308 co-owner of the motor vehicle; the person designated as having  
309 care, custody, or control of the motor vehicle at the time of  
310 the violation; or a duly authorized representative of the owner,  
311 co-owner, or designated person initiates a proceeding to  
312 challenge the citation pursuant to this section, he or she  
313 waives any challenge or dispute as to the delivery of the  
314 traffic citation.

315 (b) In the case of joint ownership of a motor vehicle, the  
316 traffic citation must be mailed to the first name appearing on  
317 the motor vehicle registration, unless the first name appearing  
318 on the registration is a business organization, in which case  
319 the second name appearing on the registration may be used.

40-00379-23

2023588\_\_

320 (c) Included with the notification to the registered owner  
321 of the motor vehicle involved in the infraction must be a notice  
322 that the owner has a right to review, in person or remotely, the  
323 photographic or electronic images or streaming video and the  
324 evidence of the speed of the vehicle as measured by a speed  
325 detection system which constitute a rebuttable presumption  
326 against the owner of the vehicle. The notice must state the time  
327 when, and place or website where, the images or video and  
328 evidence of speed may be examined and observed.

329 (8) The registered owner of the motor vehicle involved in  
330 the violation is responsible and liable for paying the uniform  
331 traffic citation issued for a violation of s. 316.183 or s.  
332 316.1895 unless the owner can establish that:

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

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

338 (c) The motor vehicle's registered owner was deceased on or  
339 before the date that the uniform traffic citation was issued, as  
340 established by an affidavit submitted by the representative of  
341 the motor vehicle owner's estate or other designated person or  
342 family member.

343 (9) To establish such facts under subsection (7), the  
344 registered owner of the motor vehicle must, within 30 days after  
345 the date of issuance of the traffic citation, furnish to the  
346 appropriate governmental entity an affidavit setting forth  
347 detailed information supporting an exception under subsection  
348 (7).

40-00379-23

2023588\_\_

349 (a) An affidavit supporting an exemption under paragraph  
350 (7) (a) must include the name, address, date of birth, and, if  
351 known, the driver license number of the person who leased,  
352 rented, or otherwise had care, custody, or control of the motor  
353 vehicle at the time of the alleged violation. If the motor  
354 vehicle was stolen at the time of the alleged violation, the  
355 affidavit must include the police report indicating that the  
356 motor vehicle was stolen.

357 (b) If a uniform traffic citation for a violation of s.  
358 316.183 or 316.1895 was issued at the location of the violation  
359 by a law enforcement officer, the affidavit must include the  
360 serial number of the uniform traffic citation.

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

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

369 2. Documented proof that the registered license plate  
370 belonging to the deceased owner's vehicle was returned to the  
371 department or any branch office or authorized agent of the  
372 department after his or her death but on or before the date of  
373 the alleged violation.

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

40-00379-23

2023588\_\_

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379 Upon receipt of the affidavit and documentation required under  
380 this paragraph, the governmental entity must dismiss the  
381 citation and provide proof of such dismissal to the person who  
382 submitted the affidavit.

383 (10) Upon receipt of an affidavit, the person designated as  
384 having care, custody, or control of the motor vehicle at the  
385 time of the violation may be issued a notification of violation  
386 pursuant to subsection (2) for a violation of s. 316.183 or s.  
387 316.1895. The affidavit is admissible in a proceeding pursuant  
388 to this section for the purpose of providing proof that the  
389 person identified in the affidavit was in actual care, custody,  
390 or control of the motor vehicle. The owner of a leased vehicle  
391 for which a traffic citation is issued for a violation of s.  
392 316.183 or 316.1895 is not responsible for paying the traffic  
393 citation and is not required to submit an affidavit as specified  
394 in this subsection if the motor vehicle involved in the  
395 violation is registered in the name of the lessee of such motor  
396 vehicle.

397 (11) If a county or municipality receives an affidavit  
398 under subsection (8), the notification of violation required  
399 under subsection (2) must be sent to the person identified in  
400 the affidavit within 30 days after receipt of the affidavit.

401 (12) The submission of a false affidavit is a misdemeanor  
402 of the second degree, punishable as provided in s. 775.082 or s.  
403 775.083.

404 (13) The photographic or electronic images or the streaming  
405 video evidence and the evidence of the speed of the vehicle as  
406 measured by a speed detection system which are attached to or

40-00379-23

2023588

407 referenced in the traffic citation are evidence of a violation  
408 of s. 316.183 or s. 316.1895 and are admissible in any  
409 proceeding to enforce this section. The images or video and  
410 evidence of speed raise a rebuttable presumption that the motor  
411 vehicle named in the report or shown in the images or video was  
412 used in violation of s. 316.183 or 316.1895.

413 (14) This section supplements the enforcement of ss.  
414 316.183 and 316.1895 by law enforcement officers and does not  
415 prohibit a law enforcement officer from issuing a traffic  
416 citation for a violation of s. 316.183 or 316.1895.

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

419 (a) The department shall publish and make available  
420 electronically to each county and municipality a model request  
421 for hearing form to assist each local government administering  
422 this section.

423 (b) The county or municipality electing to authorize  
424 traffic infraction enforcement officers to issue traffic  
425 citations under subsection (6) shall designate by resolution  
426 existing staff to serve as the clerk to the local hearing  
427 officer.

428 (c) Any person, referred to as the "petitioner" in this  
429 subsection, who elects to request a hearing under subsection (3)  
430 shall be scheduled for a hearing by the clerk to the local  
431 hearing officer. The clerk must furnish the petitioner with  
432 notice to be sent by first-class mail. Upon receipt of the  
433 notice, the petitioner may reschedule the hearing once by  
434 submitting a written request to reschedule to the clerk to the  
435 local hearing officer at least 5 calendar days before the day of

40-00379-23

2023588\_\_

436 the originally scheduled hearing. The petitioner may cancel his  
437 or her appearance before the local hearing officer by paying the  
438 penalty assessed under subsection (2), plus the administrative  
439 costs established in s. 316.0083(5)(c), before the start of the  
440 hearing.

441 (d) All testimony at the hearing must be under oath and  
442 must be recorded. The local hearing officer shall take testimony  
443 from a traffic infraction enforcement officer and the petitioner  
444 and may take testimony from others. The local hearing officer  
445 shall review the photographic or electronic images or streaming  
446 video and the evidence of the speed of the vehicle as measured  
447 by a speed detection system made available under paragraph  
448 (2)(b). Formal rules of evidence do not apply, but due process  
449 must be observed and must govern the proceedings.

450 (e) At the conclusion of the hearing, the local hearing  
451 officer shall determine whether a violation under this section  
452 occurred and shall uphold or dismiss the violation. The local  
453 hearing officer shall issue a final administrative order  
454 including the determination and, if the notification of  
455 violation is upheld, require the petitioner to pay the penalty  
456 previously assessed under subsection (2), and may also require  
457 the petitioner to pay county or municipal costs not to exceed  
458 the amount established in s. 316.0083(5)(e). The final  
459 administrative order must be mailed to the petitioner by first-  
460 class mail.

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

463 Section 6. Paragraph (d) of subsection (1) of section  
464 316.1906, Florida Statutes, is amended, and subsection (3) is

40-00379-23

2023588\_\_

465 added to that section, to read:

466 316.1906 Radar speed-measuring devices; evidence,  
467 admissibility.—

468 (1) DEFINITIONS.—

469 (d) "Officer" means any:

470 1. "Law enforcement officer" who is elected, appointed, or  
471 employed full time by any municipality or the state or any  
472 political subdivision thereof; who is vested with the authority  
473 to bear arms and make arrests; and whose primary responsibility  
474 is the prevention and detection of crime or the enforcement of  
475 the penal, criminal, traffic, or highway laws of the state;

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

483 3. "Auxiliary law enforcement officer" who is employed or  
484 appointed, with or without compensation; who aids or assists a  
485 full-time or part-time law enforcement officer; and who, while  
486 under the direct supervision of a full-time or part-time law  
487 enforcement officer, has the authority to arrest and perform law  
488 enforcement functions; or

489 4. "Traffic infraction enforcement officer" who is employed  
490 or appointed, with or without compensation, and who satisfies  
491 the requirements of s. 316.640(5) and is vested with authority  
492 to enforce a violation of s. 316.183 or s. 316.1895 pursuant to  
493 s. 316.1896.

40-00379-23

2023588\_\_

494       (3) A speed detection system is exempt from the design  
495 requirements for radar units established by the department. A  
496 speed detection system must have the ability to perform self-  
497 tests as to its detection accuracy. The system must perform a  
498 self-test at least once every 30 days. The law enforcement  
499 agency, or an agent acting on behalf of the law enforcement  
500 agency, operating a speed detection system shall maintain a log  
501 of the results of the system's self-tests. The law enforcement  
502 agency, or an agent acting on behalf of the law enforcement  
503 agency, operating a speed detection system shall also perform an  
504 independent calibration test on the speed detection system at  
505 least once every 12 months. The self-test logs, as well as the  
506 results of the annual calibration test, are admissible in any  
507 court proceeding for a traffic citation issued for a violation  
508 of s. 316.183 or s. 316.1895 enforced pursuant to s. 316.1896.  
509 Notwithstanding subsection (2), evidence of a vehicle's speed  
510 measured by a speed detection system compliant with this  
511 subsection and the determination by a traffic infraction  
512 enforcement officer that a vehicle is operating in excess of the  
513 applicable speed limit is admissible in any proceeding with  
514 respect to an alleged violation of law regulating the speed of  
515 vehicles.

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

520       318.18 Amount of penalties.—The penalties required for a  
521 noncriminal disposition pursuant to s. 318.14 or a criminal  
522 offense listed in s. 318.17 are as follows:

40-00379-23

2023588\_\_

523 (3)

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

529 Section 8. Paragraph (d) of subsection (3) of section  
530 322.27, Florida Statutes, is amended to read:

531 322.27 Authority of department to suspend or revoke driver  
532 license or identification card.-

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

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

- 548 1. Reckless driving, willful and wanton-4 points.  
549 2. Leaving the scene of a crash resulting in property  
550 damage of more than \$50-6 points.  
551 3. Unlawful speed, or unlawful use of a wireless

40-00379-23

2023588\_\_

552 communications device, resulting in a crash—6 points.

553 4. Passing a stopped school bus:

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

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

558 5. Unlawful speed:

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

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

563 6. A violation of a traffic control signal device as  
564 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

565 However, ~~no~~ points may not ~~shall~~ be imposed for a violation of  
566 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
567 stop at a traffic signal and when enforced by a traffic  
568 infraction enforcement officer. In addition, a violation of s.  
569 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
570 stop at a traffic signal and when enforced by a traffic  
571 infraction enforcement officer may not be used for purposes of  
572 setting motor vehicle insurance rates.

573 7. All other moving violations (including parking on a  
574 highway outside the limits of a municipality)—3 points. However,  
575 ~~no~~ points may not ~~shall~~ be imposed for a violation of s.  
576 316.0741 or s. 316.2065(11); and points may ~~shall~~ be imposed for  
577 a violation of s. 316.1001 only when imposed by the court after  
578 a hearing pursuant to s. 318.14(5).

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

40-00379-23

2023588

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

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

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

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

588 (e) Points may not be imposed for a violation of unlawful  
589 speed as provided in s. 316.183 or s. 316.1895 when enforced by  
590 a traffic infraction enforcement officer pursuant to s.  
591 316.1896. In addition, a violation of s. 316.183 or s. 316.1895  
592 when enforced by a traffic infraction enforcement officer  
593 pursuant to s. 316.1896 may not be used for purposes of setting  
594 motor vehicle insurance rates.

595 Section 9. Paragraph (a) of subsection (3) of section  
596 316.306, Florida Statutes, is amended to read:

597 316.306 School and work zones; prohibition on the use of a  
598 wireless communications device in a handheld manner.—

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

609 2. Effective January 1, 2020, a law enforcement officer may

40-00379-23

2023588\_\_

610 stop motor vehicles and issue citations to persons who are  
611 driving while using a wireless communications device in a  
612 handheld manner in violation of subparagraph 1.

613 Section 10. Paragraph (a) of subsection (5) of section  
614 316.640, Florida Statutes, is amended to read:

615 316.640 Enforcement.—The enforcement of the traffic laws of  
616 this state is vested as follows:

617 (5) (a) Any sheriff's department or police department of a  
618 municipality may employ, as a traffic infraction enforcement  
619 officer, any individual who successfully completes instruction  
620 in traffic enforcement procedures and court presentation through  
621 the Selective Traffic Enforcement Program as approved by the  
622 Division of Criminal Justice Standards and Training of the  
623 Department of Law Enforcement, or through a similar program, but  
624 who does not necessarily otherwise meet the uniform minimum  
625 standards established by the Criminal Justice Standards and  
626 Training Commission for law enforcement officers or auxiliary  
627 law enforcement officers under s. 943.13. Any such traffic  
628 infraction enforcement officer who observes the commission of a  
629 traffic infraction or, in the case of a parking infraction, who  
630 observes an illegally parked vehicle may issue a traffic  
631 citation for the infraction when, based upon personal  
632 investigation, he or she has reasonable and probable grounds to  
633 believe that an offense has been committed which constitutes a  
634 noncriminal traffic infraction as defined in s. 318.14. In  
635 addition, any such traffic infraction enforcement officer may  
636 issue a traffic citation under s. 316.0083 or s. 316.1896. For  
637 purposes of enforcing ss. 316.0083, 316.183, and 316.1895 ~~s.~~  
638 ~~316.0083~~, any sheriff's department or police department of a

40-00379-23

2023588\_\_

639 municipality may designate employees as traffic infraction  
640 enforcement officers. The traffic infraction enforcement  
641 officers must be physically located in the county of the  
642 respective sheriff's or police department.

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

645 316.650 Traffic citations.—

646 (3) (a) Except for a traffic citation issued pursuant to s.  
647 316.0083, s. 316.1001, or s. 316.1896 ~~or s. 316.0083~~, each  
648 traffic enforcement officer, upon issuing a traffic citation to  
649 an alleged violator of any provision of the motor vehicle laws  
650 of this state or of any traffic ordinance of any municipality or  
651 town, shall deposit the original traffic citation or, in the  
652 case of a traffic enforcement agency that has an automated  
653 citation issuance system, the chief administrative officer shall  
654 provide by an electronic transmission a replica of the citation  
655 data to a court having jurisdiction over the alleged offense or  
656 with its traffic violations bureau within 5 days after issuance  
657 to the violator.

658 (c) If a traffic citation is issued under s. 316.0083 or s.  
659 316.1896, the traffic infraction enforcement officer must ~~shall~~  
660 provide by electronic transmission a replica of the traffic  
661 citation data to the court having jurisdiction over the alleged  
662 offense or its traffic violations bureau within 5 days after the  
663 date of issuance of the traffic citation to the violator. If a  
664 hearing is requested, the traffic infraction enforcement officer  
665 must ~~shall~~ provide a replica of the traffic notice of violation  
666 data to the clerk for the local hearing officer having  
667 jurisdiction over the alleged offense within 14 days.

40-00379-23

2023588\_\_

668 Section 12. Subsection (2) of section 318.14, Florida  
669 Statutes, is amended to read:

670 318.14 Noncriminal traffic infractions; exception;  
671 procedures.—

672 (2) Except as provided in ss. 316.0083, 316.1001(2), and  
673 316.1896 ~~and 316.0083~~, any person cited for a violation  
674 requiring a mandatory hearing listed in s. 318.19 or any other  
675 criminal traffic violation listed in chapter 316 must sign and  
676 accept a citation indicating a promise to appear. The officer  
677 may indicate on the traffic citation the time and location of  
678 the scheduled hearing and must indicate the applicable civil  
679 penalty established in s. 318.18. For all other infractions  
680 under this section, except for infractions under s. 316.1001,  
681 the officer must certify by electronic, electronic facsimile, or  
682 written signature that the citation was delivered to the person  
683 cited. This certification is prima facie evidence that the  
684 person cited was served with the citation.

685 Section 13. Subsections (4), (5), and (15) of section  
686 318.21, Florida Statutes, are amended to read:

687 318.21 Disposition of civil penalties by county courts.—All  
688 civil penalties received by a county court pursuant to the  
689 provisions of this chapter shall be distributed and paid monthly  
690 as follows:

691 (4) Of the additional fine assessed under s. 318.18(3)(g)  
692 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must  
693 be remitted to the Department of Revenue for deposit in the  
694 Grants and Donations Trust Fund of the Division of Blind  
695 Services of the Department of Education, and 60 percent must be  
696 distributed pursuant to subsections (1) and (2).

40-00379-23

2023588\_\_

697 (5) Of the additional fine assessed under s. 318.18(3)(g)  
698 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent  
699 must be remitted to the Department of Revenue for deposit in the  
700 Grants and Donations Trust Fund of the Division of Vocational  
701 Rehabilitation of the Department of Education, and 40 percent  
702 must be distributed pursuant to subsections (1) and (2).

703 (15) Of the additional fine assessed under s. 318.18(3)(f)  
704 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of  
705 the moneys received from the fines shall be appropriated to the  
706 Agency for Health Care Administration as general revenue to  
707 provide an enhanced Medicaid payment to nursing homes that serve  
708 Medicaid recipients with brain and spinal cord injuries. The  
709 remaining 50 percent of the moneys received from the enhanced  
710 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be  
711 remitted to the Department of Revenue and deposited into the  
712 Department of Health Emergency Medical Services Trust Fund to  
713 provide financial support to certified trauma centers in the  
714 counties where enhanced penalty zones are established to ensure  
715 the availability and accessibility of trauma services. Funds  
716 deposited into the Emergency Medical Services Trust Fund under  
717 this subsection shall be allocated as follows:

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

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

725 Section 14. Subsection (1) of section 655.960, Florida

40-00379-23

2023588\_\_

726 Statutes, is amended to read:

727       655.960 Definitions; ss. 655.960-655.965.—As used in this  
728 section and ss. 655.961-655.965, unless the context otherwise  
729 requires:

730       (1) "Access area" means any paved walkway or sidewalk which  
731 is within 50 feet of any automated teller machine. The term does  
732 not include any street or highway open to the use of the public,  
733 as defined in s. 316.003(88)(a) or (b) ~~s. 316.003(87)(a) or (b)~~,  
734 including any adjacent sidewalk, as defined in s. 316.003.

735       Section 15. This act shall take effect July 1, 2023.