

By the Committee on Transportation; and Senator Rodriguez

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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 funds generated
25 from a certain program for school crossing guard
26 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

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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

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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

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

90

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

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

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

138 (1) Traffic infraction detectors are allowed on state roads
139 when permitted by the Department of Transportation and under
140 placement and installation specifications developed by the
141 Department of Transportation. Traffic infraction detectors are
142 allowed on streets and highways under the jurisdiction of
143 counties or municipalities in accordance with placement and
144 installation specifications developed by the Department of
145 Transportation.

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146 (2) (a) If the department, county, or municipality installs
147 a traffic infraction detector at an intersection, the
148 department, county, or municipality must ~~shall~~ notify the public
149 that a traffic infraction device may be in use at that
150 intersection and must specifically include notification of
151 camera enforcement of violations concerning right turns. Such
152 signage used to notify the public must meet the specifications
153 for uniform signals and devices adopted by the Department of
154 Transportation pursuant to s. 316.0745.

155 (b) If the department, county, or municipality begins a
156 traffic infraction detector program in a county or municipality
157 that has never conducted such a program, the respective
158 department, county, or municipality must ~~shall~~ also make a
159 public announcement and conduct a public awareness campaign of
160 the proposed use of traffic infraction detectors at least 30
161 days before commencing the enforcement program.

162 (3) A speed detection system may be placed or installed on
163 a state road after such placement or installation is permitted
164 by the Department of Transportation and in accordance with
165 placement and installation specifications developed by the
166 Department of Transportation. A speed detection system may be
167 placed or installed on a street or highway under the
168 jurisdiction of a county or a municipality in accordance with
169 placement and installation specifications established by the
170 Department of Transportation. The Department of Transportation
171 shall establish such placement and installation specifications
172 by August 1, 2023.

173 (a) If a county or municipality places or installs a speed
174 detection system on a road maintained as a school zone as

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175 provided in s. 316.1895, the county or municipality must notify
176 the public that a speed detection system may be in use, by
177 posting signage of camera or video enforcement of violations.
178 Such signage used to notify the public must meet the
179 specifications for uniform signals and devices adopted by the
180 Department of Transportation pursuant to s. 316.0745. For speed
181 detection systems enforcing violations of ss. 316.183 and
182 316.1895 on roads maintained as school zones, this paragraph
183 governs the signage notifying the public of the use of a speed
184 detection system, and a sign stating "Speeding Fines Doubled,"
185 as provided in s. 316.1895(6), is not required when a violation
186 of s. 316.1895 is enforced by a speed detection system in a
187 designated school zone.

188 (b) If a county or municipality begins a speed detection
189 system program and has never previously conducted such a
190 program, the respective county or municipality must make a
191 public announcement and conduct a public awareness campaign on
192 the proposed use of speed detection systems at least 30 days
193 before commencing enforcement under the speed detection system
194 program and must notify the public of the specific date on which
195 the program will commence. During the 30-day public awareness
196 campaign about the speed detection system program, only a
197 warning may be issued to the registered owner for a violation of
198 s. 316.183 or s. 316.1895, enforced by a speed detection system,
199 and liability may not be imposed for the civil penalty under s.
200 318.18(3)(d).

201 Section 4. Section 316.1894, Florida Statutes, is created
202 to read:

203 316.1894 School crossing guard recruitment and retention

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204 programs.—The law enforcement agency in the local government
205 unit administering a program that fines motorists for violations
206 of the speed limit on a road maintained as a school zone
207 pursuant to s. 316.1895 shall use the funds generated from the
208 program pursuant to s. 316.1896(6)(e) for school crossing guard
209 recruitment and retention programs. These programs may provide
210 recruitment and retention stipends to crossing guards at K-12
211 public schools, including charter schools, or stipends to third
212 parties for the recruitment of new crossing guards. The
213 administering law enforcement agency has discretion to design
214 and manage crossing guard recruitment and retention programs
215 within its local jurisdiction.

216 Section 5. Section 316.1896, Florida Statutes, is created
217 to read:

218 316.1896 Areas maintained as school zones; speed detection
219 system enforcement; penalties; appeal procedure.—

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

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

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

232 (c) For a violation of s. 316.1895 in excess of 10 miles

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233 per hour over the restrictive speed limit 30 minutes before or
234 after the end of a regularly scheduled school session.

235
236 Such violation must be evidenced by a speed detection system.
237 This subsection does not prohibit a review of information from a
238 speed detection system by an authorized employee or agent of a
239 county or municipality before issuance of the traffic citation
240 by the traffic infraction enforcement officer. This subsection
241 does not prohibit a county or municipality from issuing
242 notifications as provided in subsection (3) to the registered
243 owner of the motor vehicle in violation of s. 316.183 or s.
244 316.1895.

245 (2) Any notification or traffic citation issued through the
246 use of a speed detection system must include a photograph or
247 other recorded image showing the license tag of the vehicle; the
248 date, time, and location of the vehicle; the maximum speed at
249 which the vehicle was traveling; and the posted speed at the
250 time of the violation.

251 (3) Within 30 days after a violation, notification must be
252 sent to the registered owner of the motor vehicle involved in
253 the violation, specifying the remedies available under s. 318.14
254 and that the violator must pay the penalty under s. 318.18(3)(d)
255 to the county or municipality, or furnish an affidavit in
256 accordance with subsection (9), within 30 days after the date of
257 the notification of violation in order to avoid court fees,
258 costs, and the issuance of a traffic citation. The notification
259 of violation must:

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

261 (b) Include a notice that the owner has the right to

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262 review, in person or remotely, the photographic or electronic
263 images or streaming video and the evidence of the speed of the
264 vehicle as measured by a speed detection system which constitute
265 a rebuttable presumption against the owner of the vehicle.

266 (c) State the time when, and place or website where, the
267 images or video and evidence of speed may be examined and
268 observed.

269 (4) Notwithstanding any other law, a person who receives a
270 notification of violation under this section may request a
271 hearing within 30 days after the notification of violation or
272 pay the penalty pursuant to the notification of violation, but a
273 payment or fee may not be required before the hearing requested
274 by the person. The notification of violation must be accompanied
275 by, or direct the person to a website that provides, information
276 on the person's right to request a hearing, information on all
277 court-related costs, and a form for requesting a hearing. As
278 used in this subsection, the term "person" includes a natural
279 person, the registered owner or co-owner of a motor vehicle, or
280 the person identified in an affidavit as having actual care,
281 custody, or control of a motor vehicle at the time of the
282 violation.

283 (5) If the registered owner or co-owner of the motor
284 vehicle; the person designated as having care, custody, or
285 control of the motor vehicle at the time of the violation; or an
286 authorized representative of the owner, co-owner, or designated
287 person initiates a proceeding to challenge the violation, he or
288 she waives any challenge or dispute as to the delivery of the
289 notification of violation.

290 (6) Penalties assessed and collected by the county or

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291 municipality authorized to collect the funds provided for in
292 this section, less the amount retained by the county or
293 municipality pursuant to paragraphs (b) and (e) and the amount
294 remitted to the public school district pursuant to paragraph
295 (d), must be paid to the Department of Revenue weekly. Payment
296 by the county or municipality to the state must be made by means
297 of electronic funds transfer. In addition to the payment, a
298 detailed summary of the penalties remitted must be reported to
299 the Department of Revenue. Penalties assessed and collected by
300 the county or municipality as established in s. 318.18(3) (d)
301 shall be remitted or retained as follows:

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

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

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

310 (d) Twelve dollars shall be remitted by the county or
311 municipality to the public school district in which the
312 violation occurred and must be used for school security
313 initiatives, for student transportation, or to improve the
314 safety of student walking conditions. Funds remitted under this
315 paragraph shall be shared with charter schools in the district
316 based on each charter school's proportionate share of the
317 district's total unweighted full-time equivalent student
318 enrollment and must be used for school security initiatives or
319 to improve the safety of student walking conditions.

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

323 (7) A traffic citation must be issued by mailing the
324 traffic citation by certified mail to the address of the
325 registered owner of the motor vehicle involved in the violation
326 if payment has not been made within 30 days after notification
327 under subsection (3), if the registered owner has not requested
328 a hearing as authorized under subsection (4), or if the
329 registered owner has not submitted an affidavit in accordance
330 with subsection (9).

331 (a) Delivery of the traffic citation constitutes
332 notification under this subsection. If the registered owner or
333 co-owner of the motor vehicle; the person designated as having
334 care, custody, or control of the motor vehicle at the time of
335 the violation; or a duly authorized representative of the owner,
336 co-owner, or designated person initiates a proceeding to
337 challenge the citation pursuant to this section, he or she
338 waives any challenge or dispute as to the delivery of the
339 traffic citation.

340 (b) In the case of joint ownership of a motor vehicle, the
341 traffic citation must be mailed to the first name appearing on
342 the motor vehicle registration, unless the first name appearing
343 on the registration is a business organization, in which case
344 the second name appearing on the registration may be used.

345 (c) Included with the notification to the registered owner
346 of the motor vehicle involved in the infraction must be a notice
347 that the owner has a right to review, in person or remotely, the
348 photographic or electronic images or streaming video and the

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349 evidence of the speed of the vehicle as measured by a speed
350 detection system which constitute a rebuttable presumption
351 against the owner of the vehicle. The notice must state the time
352 when, and place or website where, the images or video and
353 evidence of speed may be examined and observed.

354 (8) The registered owner of the motor vehicle involved in
355 the violation is responsible and liable for paying the uniform
356 traffic citation issued for a violation of s. 316.183 or s.
357 316.1895 unless the owner can establish that:

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

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

363 (c) The motor vehicle's registered owner was deceased on or
364 before the date that the uniform traffic citation was issued, as
365 established by an affidavit submitted by the representative of
366 the motor vehicle owner's estate or other designated person or
367 family member.

368 (9) To establish such facts under subsection (8), the
369 registered owner of the motor vehicle must, within 30 days after
370 the date of issuance of the traffic citation, furnish to the
371 appropriate governmental entity an affidavit setting forth
372 detailed information supporting an exception under subsection
373 (8).

374 (a) An affidavit supporting an exemption under paragraph
375 (8) (a) must include the name, address, date of birth, and, if
376 known, the driver license number of the person who leased,
377 rented, or otherwise had care, custody, or control of the motor

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378 vehicle at the time of the alleged violation. If the motor
379 vehicle was stolen at the time of the alleged violation, the
380 affidavit must include the police report indicating that the
381 motor vehicle was stolen.

382 (b) If a uniform traffic citation for a violation of s.
383 316.183 or s. 316.1895 was issued at the location of the
384 violation by a law enforcement officer, the affidavit must
385 include the serial number of the uniform traffic citation.

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

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

394 2. Documented proof that the registered license plate
395 belonging to the deceased owner's vehicle was returned to the
396 department or any branch office or authorized agent of the
397 department after his or her death but on or before the date of
398 the alleged violation.

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

403
404 Upon receipt of the affidavit and documentation required under
405 this paragraph, the governmental entity must dismiss the
406 citation and provide proof of such dismissal to the person who

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407 submitted the affidavit.

408 (10) Upon receipt of an affidavit, the person designated as
409 having care, custody, or control of the motor vehicle at the
410 time of the violation may be issued a notification of violation
411 pursuant to subsection (3) for a violation of s. 316.183 or s.
412 316.1895. The affidavit is admissible in a proceeding pursuant
413 to this section for the purpose of providing proof that the
414 person identified in the affidavit was in actual care, custody,
415 or control of the motor vehicle. The owner of a leased vehicle
416 for which a traffic citation is issued for a violation of s.
417 316.183 or s. 316.1895 is not responsible for paying the traffic
418 citation and is not required to submit an affidavit as specified
419 in this section if the motor vehicle involved in the violation
420 is registered in the name of the lessee of such motor vehicle.

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

425 (12) The submission of a false affidavit is a misdemeanor
426 of the second degree, punishable as provided in s. 775.082 or s.
427 775.083.

428 (13) The photographic or electronic images or the streaming
429 video evidence and the evidence of the speed of the vehicle as
430 measured by a speed detection system which are attached to or
431 referenced in the traffic citation are evidence of a violation
432 of s. 316.183 or s. 316.1895 and are admissible in any
433 proceeding to enforce this section. The images or video and
434 evidence of speed raise a rebuttable presumption that the motor
435 vehicle named in the report or shown in the images or video was

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436 used in violation of s. 316.183 or s. 316.1895.

437 (14) This section supplements the enforcement of ss.
438 316.183 and 316.1895 by law enforcement officers and does not
439 prohibit a law enforcement officer from issuing a traffic
440 citation for a violation of s. 316.183 or s. 316.1895.

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

443 (a) The department shall publish and make available
444 electronically to each county and municipality a model request
445 for hearing form to assist each local government administering
446 this section.

447 (b) The county or municipality electing to authorize
448 traffic infraction enforcement officers to issue traffic
449 citations under subsection (1) shall designate by resolution
450 existing staff to serve as the clerk to the local hearing
451 officer.

452 (c) Any person, referred to as the "petitioner" in this
453 subsection, who elects to request a hearing under subsection (4)
454 shall be scheduled for a hearing by the clerk to the local
455 hearing officer. The clerk must furnish the petitioner with
456 notice to be sent by first-class mail. Upon receipt of the
457 notice, the petitioner may reschedule the hearing once by
458 submitting a written request to reschedule to the clerk to the
459 local hearing officer at least 5 calendar days before the day of
460 the originally scheduled hearing. The petitioner may cancel his
461 or her appearance before the local hearing officer by paying the
462 penalty assessed under subsection (3), plus the administrative
463 costs established in s. 316.0083(5)(c), before the start of the
464 hearing.

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465 (d) All testimony at the hearing must be under oath and
466 must be recorded. The local hearing officer shall take testimony
467 from a traffic infraction enforcement officer and the petitioner
468 and may take testimony from others. The local hearing officer
469 shall review the photographic or electronic images or streaming
470 video and the evidence of the speed of the vehicle as measured
471 by a speed detection system made available under paragraph
472 (3)(b). Formal rules of evidence do not apply, but due process
473 must be observed and must govern the proceedings.

474 (e) At the conclusion of the hearing, the local hearing
475 officer shall determine whether a violation under this section
476 occurred and shall uphold or dismiss the violation. The local
477 hearing officer shall issue a final administrative order
478 including the determination and, if the notification of
479 violation is upheld, must require the petitioner to pay the
480 penalty previously assessed under subsection (3), and may also
481 require the petitioner to pay county or municipal costs not to
482 exceed the amount established in s. 316.0083(5)(e). The final
483 administrative order must be mailed to the petitioner by first-
484 class mail.

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

487 Section 6. Paragraph (d) of subsection (1) of section
488 316.1906, Florida Statutes, is amended, and subsection (3) is
489 added to that section, to read:

490 316.1906 Radar speed-measuring devices; evidence,
491 admissibility.—

492 (1) DEFINITIONS.—

493 (d) "Officer" means any:

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494 1. "Law enforcement officer" who is elected, appointed, or
495 employed full time by any municipality or the state or any
496 political subdivision thereof; who is vested with the authority
497 to bear arms and make arrests; and whose primary responsibility
498 is the prevention and detection of crime or the enforcement of
499 the penal, criminal, traffic, or highway laws of the state;

500 2. "Part-time law enforcement officer" who is employed or
501 appointed less than full time, as defined by an employing
502 agency, with or without compensation; who is vested with
503 authority to bear arms and make arrests; and whose primary
504 responsibility is the prevention and detection of crime or the
505 enforcement of the penal, criminal, traffic, or highway laws of
506 the state; ~~or~~

507 3. "Auxiliary law enforcement officer" who is employed or
508 appointed, with or without compensation; who aids or assists a
509 full-time or part-time law enforcement officer; and who, while
510 under the direct supervision of a full-time or part-time law
511 enforcement officer, has the authority to arrest and perform law
512 enforcement functions; or

513 4. "Traffic infraction enforcement officer" who is employed
514 or appointed, with or without compensation, and who satisfies
515 the requirements of s. 316.640(5) and is vested with authority
516 to enforce a violation of s. 316.183 or s. 316.1895 pursuant to
517 s. 316.1896.

518 (3) A speed detection system is exempt from the design
519 requirements for radar units established by the department. A
520 speed detection system must have the ability to perform self-
521 tests as to its detection accuracy. The system must perform a
522 self-test at least once every 30 days. The law enforcement

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523 agency, or an agent acting on behalf of the law enforcement
524 agency, operating a speed detection system shall maintain a log
525 of the results of the system's self-tests. The law enforcement
526 agency, or an agent acting on behalf of the law enforcement
527 agency, operating a speed detection system shall also perform an
528 independent calibration test on the speed detection system at
529 least once every 12 months. The self-test logs, as well as the
530 results of the annual calibration test, are admissible in any
531 court proceeding for a traffic citation issued for a violation
532 of s. 316.183 or s. 316.1895 enforced pursuant to s. 316.1896.
533 Notwithstanding subsection (2), evidence of a vehicle's speed
534 measured by a speed detection system compliant with this
535 subsection and the determination by a traffic infraction
536 enforcement officer that a vehicle is operating in excess of the
537 applicable speed limit is admissible in any proceeding with
538 respect to an alleged violation of law regulating the speed of
539 vehicles.

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

544 318.18 Amount of penalties.—The penalties required for a
545 noncriminal disposition pursuant to s. 318.14 or a criminal
546 offense listed in s. 318.17 are as follows:

547 (3)

548 (d) Notwithstanding paragraphs (b) and (c), a person cited
549 for exceeding the speed limit in force at the time of the
550 violation on a road maintained as a school zone as provided in
551 s. 316.1895, when enforced by a traffic infraction enforcement

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552 officer pursuant to s. 316.1896, shall pay a fine of \$100.

553 Section 8. Paragraph (d) of subsection (3) of section
554 322.27, Florida Statutes, is amended, and paragraph (e) is added
555 to that subsection, to read:

556 322.27 Authority of department to suspend or revoke driver
557 license or identification card.—

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

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

- 573 1. Reckless driving, willful and wanton—4 points.
574 2. Leaving the scene of a crash resulting in property
575 damage of more than \$50—6 points.
576 3. Unlawful speed, or unlawful use of a wireless
577 communications device, resulting in a crash—6 points.
578 4. Passing a stopped school bus:
579 a. Not causing or resulting in serious bodily injury to or
580 death of another—4 points.

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

583 5. Unlawful speed:

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

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

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

590 However, ~~no~~ points may not ~~shall~~ be imposed for a violation of
591 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
592 stop at a traffic signal and when enforced by a traffic
593 infraction enforcement officer. In addition, a violation of s.
594 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
595 stop at a traffic signal and when enforced by a traffic
596 infraction enforcement officer may not be used for purposes of
597 setting motor vehicle insurance rates.

598 7. All other moving violations (including parking on a
599 highway outside the limits of a municipality)—3 points. However,
600 ~~no~~ points may not ~~shall~~ be imposed for a violation of s.
601 316.0741 or s. 316.2065(11); and points may ~~shall~~ be imposed for
602 a violation of s. 316.1001 only when imposed by the court after
603 a hearing pursuant to s. 318.14(5).

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

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

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

609 11. A moving violation covered in this paragraph which is

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610 committed in conjunction with the unlawful use of a wireless
611 communications device within a school safety zone—2 points, in
612 addition to the points assigned for the moving violation.

613 (e) Points may not be imposed for a violation of unlawful
614 speed as provided in s. 316.183 or s. 316.1895 when enforced by
615 a traffic infraction enforcement officer pursuant to s.
616 316.1896. In addition, a violation of s. 316.183 or s. 316.1895
617 when enforced by a traffic infraction enforcement officer
618 pursuant to s. 316.1896 may not be used for purposes of setting
619 motor vehicle insurance rates.

620 Section 9. Paragraph (a) of subsection (3) of section
621 316.306, Florida Statutes, is amended to read:

622 316.306 School and work zones; prohibition on the use of a
623 wireless communications device in a handheld manner.—

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

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

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

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639 316.640, Florida Statutes, is amended to read:

640 316.640 Enforcement.—The enforcement of the traffic laws of
641 this state is vested as follows:

642 (5) (a) Any sheriff's department or police department of a
643 municipality may employ, as a traffic infraction enforcement
644 officer, any individual who successfully completes instruction
645 in traffic enforcement procedures and court presentation through
646 the Selective Traffic Enforcement Program as approved by the
647 Division of Criminal Justice Standards and Training of the
648 Department of Law Enforcement, or through a similar program, but
649 who does not necessarily otherwise meet the uniform minimum
650 standards established by the Criminal Justice Standards and
651 Training Commission for law enforcement officers or auxiliary
652 law enforcement officers under s. 943.13. Any such traffic
653 infraction enforcement officer who observes the commission of a
654 traffic infraction or, in the case of a parking infraction, who
655 observes an illegally parked vehicle may issue a traffic
656 citation for the infraction when, based upon personal
657 investigation, he or she has reasonable and probable grounds to
658 believe that an offense has been committed which constitutes a
659 noncriminal traffic infraction as defined in s. 318.14. In
660 addition, any such traffic infraction enforcement officer may
661 issue a traffic citation under s. 316.0083 or s. 316.1896. For
662 purposes of enforcing ss. 316.0083, 316.183, and 316.1895 ~~s.~~
663 ~~316.0083~~, any sheriff's department or police department of a
664 municipality may designate employees as traffic infraction
665 enforcement officers. The traffic infraction enforcement
666 officers must be physically located in the county of the
667 respective sheriff's or police department.

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

670 316.650 Traffic citations.—

671 (3) (a) Except for a traffic citation issued pursuant to s.
672 316.0083, s. 316.1001, or s. 316.1896 ~~or s. 316.0083~~, each
673 traffic enforcement officer, upon issuing a traffic citation to
674 an alleged violator of any provision of the motor vehicle laws
675 of this state or of any traffic ordinance of any municipality or
676 town, shall deposit the original traffic citation or, in the
677 case of a traffic enforcement agency that has an automated
678 citation issuance system, the chief administrative officer shall
679 provide by an electronic transmission a replica of the citation
680 data to a court having jurisdiction over the alleged offense or
681 with its traffic violations bureau within 5 days after issuance
682 to the violator.

683 (c) If a traffic citation is issued under s. 316.0083 or s.
684 316.1896, the traffic infraction enforcement officer must ~~shall~~
685 provide by electronic transmission a replica of the traffic
686 citation data to the court having jurisdiction over the alleged
687 offense or its traffic violations bureau within 5 days after the
688 date of issuance of the traffic citation to the violator. If a
689 hearing is requested, the traffic infraction enforcement officer
690 must ~~shall~~ provide a replica of the traffic notice of violation
691 data to the clerk for the local hearing officer having
692 jurisdiction over the alleged offense within 14 days.

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

695 318.14 Noncriminal traffic infractions; exception;
696 procedures.—

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697 (2) Except as provided in ss. 316.0083, 316.1001(2), and
698 316.1896 ~~and 316.0083~~, any person cited for a violation
699 requiring a mandatory hearing listed in s. 318.19 or any other
700 criminal traffic violation listed in chapter 316 must sign and
701 accept a citation indicating a promise to appear. The officer
702 may indicate on the traffic citation the time and location of
703 the scheduled hearing and must indicate the applicable civil
704 penalty established in s. 318.18. For all other infractions
705 under this section, except for infractions under s. 316.1001,
706 the officer must certify by electronic, electronic facsimile, or
707 written signature that the citation was delivered to the person
708 cited. This certification is prima facie evidence that the
709 person cited was served with the citation.

710 Section 13. Subsections (4), (5), and (15) of section
711 318.21, Florida Statutes, are amended to read:

712 318.21 Disposition of civil penalties by county courts.—All
713 civil penalties received by a county court pursuant to the
714 provisions of this chapter shall be distributed and paid monthly
715 as follows:

716 (4) Of the additional fine assessed under s. 318.18(3)(g)
717 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
718 be remitted to the Department of Revenue for deposit in the
719 Grants and Donations Trust Fund of the Division of Blind
720 Services of the Department of Education, and 60 percent must be
721 distributed pursuant to subsections (1) and (2).

722 (5) Of the additional fine assessed under s. 318.18(3)(g)
723 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
724 must be remitted to the Department of Revenue for deposit in the
725 Grants and Donations Trust Fund of the Division of Vocational

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726 Rehabilitation of the Department of Education, and 40 percent
727 must be distributed pursuant to subsections (1) and (2).

728 (15) Of the additional fine assessed under s. 318.18(3)(f)
729 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
730 the moneys received from the fines shall be appropriated to the
731 Agency for Health Care Administration as general revenue to
732 provide an enhanced Medicaid payment to nursing homes that serve
733 Medicaid recipients with brain and spinal cord injuries. The
734 remaining 50 percent of the moneys received from the enhanced
735 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
736 remitted to the Department of Revenue and deposited into the
737 Department of Health Emergency Medical Services Trust Fund to
738 provide financial support to certified trauma centers in the
739 counties where enhanced penalty zones are established to ensure
740 the availability and accessibility of trauma services. Funds
741 deposited into the Emergency Medical Services Trust Fund under
742 this subsection shall be allocated as follows:

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

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

750 Section 14. Subsection (1) of section 655.960, Florida
751 Statutes, is amended to read:

752 655.960 Definitions; ss. 655.960-655.965.—As used in this
753 section and ss. 655.961-655.965, unless the context otherwise
754 requires:

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

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