

By the Appropriations Committee on Transportation, Tourism, and Economic Development; 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.; revising the
4 definition of the term "local hearing officer";
5 defining the term "speed detection system"; amending
6 s. 316.008, F.S.; authorizing a county or municipality
7 to enforce the speed limit in a school zone during
8 specified periods through the use of a speed detection
9 system; providing a rebuttable presumption;
10 authorizing a county or a municipality to install, or
11 contract with a vendor to install, speed detection
12 systems in school zones; amending s. 316.0776, F.S.;
13 specifying conditions for the placement or
14 installation of speed detection systems; requiring the
15 Department of Transportation to establish certain
16 specifications by a specified date; requiring counties
17 and municipalities that install speed detection
18 systems in school zones to provide certain notice to
19 the public; specifying signage requirements; requiring
20 counties and municipalities that have never conducted
21 a speed detection system program to make a public
22 announcement and conduct a public awareness campaign
23 before commencing enforcement under the program;
24 limiting penalties in effect during the public
25 awareness campaign; creating s. 316.1894, F.S.;
26 requiring local governments to use funds generated
27 from a certain program for school crossing guard
28 recruitment and retention; providing that the law
29 enforcement agency in the local government

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30 administering the program has certain discretion
31 regarding designing and managing the program; creating
32 s. 316.1896, F.S.; authorizing counties and
33 municipalities to authorize traffic infraction
34 enforcement officers to issue traffic citations for
35 certain violations; requiring certain violations to be
36 evidenced by a speed detection system; providing
37 construction; specifying notification requirements and
38 procedures; authorizing a person who receives a
39 notification of violation to request a hearing within
40 a specified timeframe; defining the term "person";
41 providing for the waiver of a challenge or dispute as
42 to the delivery of the notification of violation;
43 requiring counties and municipalities to pay certain
44 funds to the Department of Revenue; providing for the
45 distribution of funds; specifying requirements for
46 issuance of a traffic citation; providing for the
47 waiver of a challenge or dispute as to the delivery of
48 the traffic citation; specifying notification
49 requirements and procedures; specifying that the
50 registered owner of a motor vehicle is responsible and
51 liable for paying a traffic citation; providing
52 exceptions; requiring an owner of a motor vehicle to
53 furnish an affidavit under certain circumstances;
54 specifying requirements for such affidavit; requiring
55 the county or municipality to dismiss the notice or
56 citation and provide proof such dismissal under
57 certain circumstances; requiring the county or
58 municipality to notify the registered owner that the

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59 notice or citation will not be dismissed under certain
60 circumstances; authorizing the county or municipality
61 to issue a certain person a notification of violation;
62 providing that the affidavit is admissible in a
63 proceeding for the purpose of proving who was
64 operating the motor vehicle at the time of the
65 violation; providing that the owner of a leased
66 vehicle is not responsible for paying a traffic
67 citation or submitting an affidavit; specifying a
68 timeframe for a county or a municipality to issue a
69 notification under certain circumstances; requiring
70 certain persons to issue an affidavit; providing a
71 criminal penalty for submitting a false affidavit;
72 providing that certain photographs or videos and
73 evidence of speed are admissible in certain
74 proceedings; providing a rebuttable presumption;
75 providing construction; specifying requirements and
76 procedures for hearings; providing procedures for
77 appeal; prohibiting speed detection systems in school
78 zones from being capable of automated or user-
79 controlled remote surveillance; providing that certain
80 recorded photographs or videos may be used only for a
81 certain purpose; requiring certain photographs or
82 video to be destroyed within a certain timeframe;
83 requiring the vendor of a speed detection system to
84 provide certain written notice; providing that certain
85 registered motor vehicle information may be used only
86 for certain purposes; requiring counties and
87 municipalities that operate a speed detection system

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88 to submit a certain report to the department;
89 requiring the department to provide a certain report
90 to the Legislature; amending s. 316.1906, F.S.;
91 revising the definition of the term "officer";
92 exempting a speed detection system from the design
93 requirements for radar units; specifying requirements
94 for speed detection systems; requiring a law
95 enforcement agency and its agents operating a speed
96 detection system to maintain a log of results of the
97 system's self-tests; requiring a law enforcement
98 agency and its agents to perform independent
99 calibration tests of such systems within a specified
100 timeframe; providing for the admissibility of certain
101 evidence in certain proceedings; amending s. 318.18,
102 F.S.; providing a civil penalty for a certain speed
103 limit violation; amending s. 322.27, F.S.; prohibiting
104 points from being imposed against a driver license for
105 certain infractions enforced by a traffic infraction
106 enforcement officer; prohibiting such infractions from
107 being used to set motor vehicle insurance rates;
108 amending s. 316.306, F.S.; conforming a cross-
109 reference; amending s. 316.640, F.S.; conforming a
110 provision to changes made by the act; amending s.
111 316.650, F.S.; conforming provisions to changes made
112 by the act; requiring the chief administrative officer
113 to provide certain data within 5 business days;
114 amending ss. 318.14, 318.21, and 655.960, F.S.;
115 conforming cross-references and provisions to changes
116 made by the act; providing an effective date.

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

Section 1. Present subsections (82) through (109) of section 316.003, Florida Statutes, are redesignated as subsections (83) through (110), respectively, a new subsection (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:

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

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

(82) SPEED DETECTION SYSTEM.—A portable or fixed automated system used to detect a motor vehicle's speed using radar and to

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146 capture a photograph or video of the rear of a motor vehicle
147 that exceeds the speed limit in force at the time of the
148 violation.

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

151 316.008 Powers of local authorities.-

152 (9) (a) A county or municipality may enforce the speed limit
153 on a roadway properly maintained as a school zone pursuant to s.
154 316.1895 within 30 minutes before the start of a regularly
155 scheduled breakfast program; within 30 minutes before the start
156 of a regularly scheduled school session; during the entirety of
157 a regularly scheduled school session at the posted speed limit;
158 and within 30 minutes after the end of a regularly scheduled
159 school session through the use of a speed detection system for
160 the detection of speed and capturing of photographs or videos
161 for violations in excess of 10 miles per hour over the school
162 zone speed limit. A school zone's compliance with s. 316.1895
163 creates a rebuttable presumption that the school zone is
164 properly maintained.

165 (b) A county or municipality may place or install, or
166 contract with a vendor to place or install, a speed detection
167 system within a roadway maintained as a school zone as provided
168 in s. 316.1895 to enforce unlawful speed violations, as
169 specified in s. 316.1895(10), on that roadway.

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

172 316.0776 Traffic infraction detectors; speed detection
173 systems; placement and installation.-

174 (1) Traffic infraction detectors are allowed on state roads

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175 when permitted by the Department of Transportation and under
176 placement and installation specifications developed by the
177 Department of Transportation. Traffic infraction detectors are
178 allowed on streets and highways under the jurisdiction of
179 counties or municipalities in accordance with placement and
180 installation specifications developed by the Department of
181 Transportation.

182 (2) (a) If the department, county, or municipality installs
183 a traffic infraction detector at an intersection, the
184 department, county, or municipality must ~~shall~~ notify the public
185 that a traffic infraction device may be in use at that
186 intersection and must specifically include notification of
187 camera enforcement of violations concerning right turns. Such
188 signage used to notify the public must meet the specifications
189 for uniform signals and devices adopted by the Department of
190 Transportation pursuant to s. 316.0745.

191 (b) If the department, county, or municipality begins a
192 traffic infraction detector program in a county or municipality
193 that has never conducted such a program, the respective
194 department, county, or municipality must ~~shall~~ also make a
195 public announcement and conduct a public awareness campaign of
196 the proposed use of traffic infraction detectors at least 30
197 days before commencing the enforcement program.

198 (3) A speed detection system authorized by s. 316.008(9)
199 may be placed or installed in a school zone on a state road when
200 permitted by the Department of Transportation and in accordance
201 with placement and installation specifications developed by the
202 Department of Transportation. The speed detection system may be
203 placed or installed in a school zone on a street or highway

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204 under the jurisdiction of a county or a municipality in
205 accordance with placement and installation specifications
206 established by the Department of Transportation. The Department
207 of Transportation shall establish such placement and
208 installation specifications by August 1, 2023.

209 (a) If a county or municipality places or installs a speed
210 detection system as authorized by s. 316.008(9), the county or
211 municipality must notify the public that a speed detection
212 system may be in use by posting signage indicating photographic
213 or video enforcement of the school zone speed limit. Such
214 signage must clearly designate the time period that the school
215 zone speed limit is enforced using a speed detection system, and
216 the signage must meet the placement and installation
217 specifications established by the Department of Transportation.
218 For a speed detection system enforcing violations of s. 316.1895
219 on a roadway maintained as a school zone, this paragraph governs
220 the signage notifying the public of the use of a speed detection
221 system.

222 (b) If a county or municipality begins a school zone speed
223 detection system program in a county or municipality that has
224 never conducted such a program, the respective county or
225 municipality must make a public announcement and conduct a
226 public awareness campaign of the proposed use of speed detection
227 systems at least 30 days before commencing enforcement under the
228 speed detection system program and must notify the public of the
229 specific date on which the program will commence. During the 30-
230 day public awareness campaign, only a warning may be issued to
231 the registered owner of a motor vehicle for a violation of s.
232 316.1895, enforced by a speed detection system, and liability

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233 may not be imposed for the civil penalty under s. 318.18(3)(d).

234 Section 4. Section 316.1894, Florida Statutes, is created
235 to read:

236 316.1894 School Crossing Guard Recruitment and Retention
237 Program.—The law enforcement agency having jurisdiction over a
238 county or municipality conducting a speed detection system
239 program authorized by s. 316.008(9) shall use funds generated
240 pursuant to s. 316.1896(5)(e) from the speed detection system
241 program to administer the School Crossing Guard Recruitment and
242 Retention Program. Such program may provide recruitment and
243 retention stipends to crossing guards at K-12 public schools,
244 including charter schools, or stipends to third parties for the
245 recruitment of new crossing guards. The School Crossing Guard
246 Recruitment and Retention Program must be designed and managed
247 at the discretion of the law enforcement agency.

248 Section 5. Section 316.1896, Florida Statutes, is created
249 to read:

250 316.1896 Roadways maintained as school zones; speed
251 detection system enforcement; penalties; appeal procedure;
252 privacy; reports.—

253 (1) For purposes of administering this section, a county or
254 municipality may authorize a traffic infraction enforcement
255 officer under s. 316.640 to issue a traffic citation for a
256 violation of the school zone speed limit as authorized by s.
257 316.008(9), as follows:

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

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

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

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

272
273 Such violation must be evidenced by a speed detection system
274 described in ss. 316.008(9) and 316.0776(3). This subsection
275 does not prohibit a review of information from a speed detection
276 system by an authorized employee or agent of a county or
277 municipality before issuance of the traffic citation by the
278 traffic infraction enforcement officer. This subsection does not
279 prohibit a county or municipality from issuing notifications as
280 provided in subsection (2) to the registered owner of the motor
281 vehicle used in violation of s. 316.1895.

282 (2) Within 30 days after a violation, notification must be
283 sent to the registered owner of the motor vehicle involved in
284 the violation, specifying the remedies available under s. 318.14
285 and that the violator must pay the penalty under s. 318.18(3)(d)
286 to the county or municipality, or furnish an affidavit in
287 accordance with subsection (8), within 30 days after the date of
288 the notification of violation in order to avoid court fees,
289 costs, and the issuance of a traffic citation. The notification
290 of violation must:

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

292 (b) Include a photograph or other recorded image showing
293 the license plate of the motor vehicle; the date, time, and
294 location of the violation; the maximum speed at which the motor
295 vehicle was traveling within the school zone; and the speed
296 limit within the school zone at the time of the violation.

297 (c) Include a notice that the owner has the right to
298 review, in person or remotely, the photograph or video captured
299 by the speed detection system and the evidence of the speed of
300 the motor vehicle detected by the speed detection system which
301 constitute a rebuttable presumption that the motor vehicle was
302 used in violation of s. 316.1895.

303 (d) State the time when, and place or website where, the
304 photograph or video and evidence of speed may be examined and
305 observed.

306 (3) Notwithstanding any other law, a person who receives a
307 notification of violation under this section may request a
308 hearing within 30 days after the notification of violation or
309 pay the penalty pursuant to the notification of violation, but a
310 payment or fee may not be required before the hearing requested
311 by the person. The notification of violation must be accompanied
312 by, or direct the person to a website that provides, information
313 on the person's right to request a hearing and all court costs
314 related thereto and a form for requesting a hearing. As used in
315 this subsection, the term "person" includes a natural person,
316 the registered owner or co-owner of a motor vehicle, or the
317 person identified in an affidavit as having actual care,
318 custody, or control of the motor vehicle at the time of the
319 violation.

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320 (4) If the registered owner or co-owner of the motor
321 vehicle; the person identified as having care, custody, or
322 control of the motor vehicle at the time of the violation; or an
323 authorized representative of the owner, co-owner, or identified
324 person initiates a proceeding to challenge the violation, such
325 person waives any challenge or dispute as to the delivery of the
326 notification of violation.

327 (5) Penalties assessed and collected by the county or
328 municipality authorized to collect them as provided for in this
329 section, less the amount retained by the county or municipality
330 pursuant to paragraphs (b) and (e) and the amount remitted to
331 the school district pursuant to paragraph (d), must be paid to
332 the Department of Revenue weekly. Such payment must be made by
333 means of electronic funds transfer. In addition to the payment,
334 a detailed summary of the penalties remitted must be reported to
335 the Department of Revenue. Penalties to be assessed and
336 collected by the county or municipality as established in s.
337 318.18(3)(d) must be remitted as follows:

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

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

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

346 (d) Twelve dollars must be remitted to the county school
347 district in which the violation occurred and must be used for
348 school security initiatives or student transportation or to

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349 improve the safety of student walking conditions. Funds remitted
350 under this paragraph must be shared with charter schools in the
351 district based on each charter school's proportionate share of
352 the district's total unweighted full-time equivalent student
353 enrollment and must be used for school security initiatives or
354 to improve the safety of student walking conditions.

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

358 (6) A traffic citation must be issued by mailing the
359 traffic citation by certified mail to the address of the
360 registered owner of the motor vehicle involved in the violation
361 if payment has not been made within 30 days after notification
362 under subsection (2), if the registered owner has not requested
363 a hearing as authorized under subsection (3), or if the
364 registered owner has not submitted an affidavit in accordance
365 with subsection (8).

366 (a) Delivery of the traffic citation constitutes
367 notification of a violation under this subsection. If the
368 registered owner or co-owner of the motor vehicle; the person
369 identified as having care, custody, or control of the motor
370 vehicle at the time of the violation; or a duly authorized
371 representative of the owner, co-owner, or identified person
372 initiates a proceeding to challenge the citation pursuant to
373 this section, such person waives any challenge or dispute as to
374 the delivery of the traffic citation.

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

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

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

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

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

389 (b) A uniform traffic citation was issued by law
390 enforcement to the driver of the motor vehicle for the alleged
391 violation of s. 316.1895; or

392 (c) The motor vehicle's registered owner was deceased on or
393 before the date that the uniform traffic citation was issued, as
394 established by an affidavit submitted by the representative of
395 the motor vehicle registered owner's estate or other identified
396 person or family member.

397 (8) To establish such facts under subsection (7), the
398 registered owner of the motor vehicle must, within 30 days after
399 the date of issuance of the notice of violation or the traffic
400 citation, furnish to the appropriate governmental entity an
401 affidavit setting forth information supporting an exemption
402 under subsection (7).

403 (a) An affidavit supporting the exemption under paragraph
404 (7)(a) must include the name, address, date of birth, and, if
405 known, the driver license number of the person who leased,
406 rented, or otherwise had care, custody, or control of the motor

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407 vehicle at the time of the alleged violation. If the motor
408 vehicle was stolen at the time of the alleged violation, the
409 affidavit must include the police report indicating that the
410 motor vehicle was stolen.

411 (b) If a uniform traffic citation for a violation of s.
412 316.1895 was issued at the location of the violation by a law
413 enforcement officer, the affidavit must include the serial
414 number of the uniform traffic citation.

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

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

423 2. Documented proof that the registered license plate
424 belonging to the deceased owner's motor vehicle was returned to
425 the department or any branch office or authorized agent of the
426 department after his or her death but on or before the date of
427 the alleged violation.

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

432
433 Upon receipt of the affidavit and documentation required under
434 paragraphs (b) and (c), or 30 days after the date of issuance of
435 a notice of violation sent to a person identified as having

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436 care, custody, or control of the motor vehicle at the time of
437 the violation under paragraph (a), the county or municipality
438 shall dismiss the notice or citation and provide proof of such
439 dismissal to the person who submitted the affidavit. If, within
440 30 days after the date of a notice of violation sent to a person
441 under subsection (9), the county or municipality receives an
442 affidavit under subsection (10) from the person sent a notice of
443 violation affirming that the person did not have care, custody,
444 or control of the motor vehicle at the time of the violation,
445 the county or municipality must notify the registered owner that
446 the notice or citation will not be dismissed due to failure to
447 establish that another person had care, custody, or control of
448 the motor vehicle at the time of the violation.

449 (9) Upon receipt of an affidavit under paragraph (8) (a),
450 the county or municipality may issue the person identified as
451 having care, custody, or control of the motor vehicle at the
452 time of the violation a notification of violation pursuant to
453 subsection (2) for a violation of s. 316.1895. The affidavit is
454 admissible in a proceeding pursuant to this section for the
455 purpose of providing evidence that the person identified in the
456 affidavit was in actual care, custody, or control of the motor
457 vehicle. The owner of a leased motor vehicle for which a traffic
458 citation is issued for a violation of s. 316.1895 is not
459 responsible for paying the traffic citation and is not required
460 to submit an affidavit as specified in subsection (8) if the
461 motor vehicle involved in the violation is registered in the
462 name of the lessee of such motor vehicle.

463 (10) If a county or municipality receives an affidavit
464 under paragraph (8) (a), the notification of violation required

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465 under subsection (2) must be sent to the person identified in
466 the affidavit within 30 days after receipt of the affidavit. The
467 person identified in an affidavit and sent a notice of violation
468 may also affirm that he or she did not have care, custody, or
469 control of the motor vehicle at the time of the violation by
470 furnishing to the appropriate governmental entity within 30 days
471 after the date of the notice of violation an affidavit stating
472 such.

473 (11) The submission of a false affidavit is a misdemeanor
474 of the second degree, punishable as provided in s. 775.082 or s.
475 775.083.

476 (12) The photograph or video captured by a speed detection
477 system and the evidence of the speed of the motor vehicle
478 detected by a speed detection system which are attached to or
479 referenced in the traffic citation are evidence of a violation
480 of s. 316.1895 and are admissible in any proceeding to enforce
481 this section. The photograph or video and the evidence of speed
482 detected raise a rebuttable presumption that the motor vehicle
483 named in the report or shown in the photograph or video was used
484 in violation of s. 316.1895.

485 (13) This section supplements the enforcement of s.
486 316.1895 by a law enforcement officer and does not prohibit a
487 law enforcement officer from issuing a traffic citation for a
488 violation of s. 316.1895.

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

491 (a) The department shall publish and make available
492 electronically to each county and municipality a model request
493 for hearing form to assist each local government administering

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494 this section.

495 (b) The county or municipality electing to authorize
496 traffic infraction enforcement officers to issue traffic
497 citations under subsection (6) shall designate by resolution
498 existing staff to serve as the clerk to the local hearing
499 officer.

500 (c) Any person, referred to as the "petitioner" in this
501 subsection, who elects to request a hearing under subsection (3)
502 must be scheduled for a hearing by the clerk of the court with
503 the local hearing officer. The clerk shall furnish the
504 petitioner with notice sent by first-class mail. Upon receipt of
505 the notice, the petitioner may reschedule the hearing up to two
506 times by submitting a written request to reschedule to the clerk
507 of the court at least 5 calendar days before the day of the
508 scheduled hearing. The petitioner may cancel his or her
509 appearance before the local hearing officer by paying the
510 penalty assessed under subsection (2), plus the administrative
511 costs established in s. 316.0083(5)(c), before the start of the
512 hearing.

513 (d) All testimony at the hearing must be under oath and
514 must be recorded. The local hearing officer shall take testimony
515 from a traffic infraction enforcement officer, and the
516 petitioner and may take testimony from others. The local hearing
517 officer shall review the photograph or video captured by the
518 speed detection system and the evidence of the speed of the
519 motor vehicle detected by the speed detection system made
520 available under paragraph (2)(b). Formal rules of evidence do
521 not apply, but due process must be observed and must govern the
522 proceedings.

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523 (e) At the conclusion of the hearing, the local hearing
524 officer shall determine whether a violation under this section
525 occurred and shall uphold or dismiss the violation. The local
526 hearing officer shall issue a final administrative order
527 including the determination and, if the notification of
528 violation is upheld, must require the petitioner to pay the
529 penalty previously assessed under subsection (2), and may also
530 require the petitioner to pay county or municipal costs not to
531 exceed the amount established in s. 316.0083(5)(e). The final
532 administrative order shall be mailed to the petitioner by first-
533 class mail.

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

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

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

543 3. Any recorded photograph or video obtained through the
544 use of a speed detection system must be destroyed within 90 days
545 after the final disposition of the recorded event. The vendor of
546 a speed detection system shall provide the county or
547 municipality with written notice by December 31 of each year
548 that such records have been destroyed in accordance with this
549 subsection.

550 (b) Notwithstanding any other law, registered motor vehicle
551 owner information obtained as a result of the operation of a

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552 speed detection system in a school zone is not the property of
553 the manufacturer or vendor of the speed detection system and may
554 be used only for the purposes of this section.

555 (16) (a) Each county or municipality that operates a speed
556 detection system shall submit a report by October 1, 2024, and
557 annually thereafter, to the department which details the results
558 of the speed detection systems in school zones and the
559 procedures for enforcement in the preceding state fiscal year.
560 The information submitted by counties and municipalities must
561 include:

562 1. The locations of the speed detection systems, the date
563 the systems were activated to enforce violations of s. 316.1895,
564 and the date the systems were deactivated if applicable.

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

567 3. Any other statistical data and information required by
568 the department to complete the report required under paragraph
569 (b).

570 (b) On or before December 31, 2024, and annually
571 thereafter, the department shall provide a summary report to the
572 Governor, the President of the Senate, and the Speaker of the
573 House of Representatives regarding the use of speed detection
574 systems under this section, along with the department's
575 recommendations and any recommended legislation. The summary
576 report must include a review of the information submitted to the
577 department by the counties and municipalities and must describe
578 the enhancement of traffic safety and enforcement programs.

579 Section 6. Section 316.1906, Florida Statutes, is amended
580 to read:

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581 316.1906 Radar speed-measuring devices; speed detection
582 systems; evidence, admissibility.—

583 (1) DEFINITIONS.—

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

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

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

593 (d) "Officer" means any:

594 1. "Law enforcement officer" who is elected, appointed, or
595 employed full time by any municipality or the state or any
596 political subdivision thereof; who is vested with the authority
597 to bear arms and make arrests; and whose primary responsibility
598 is the prevention and detection of crime or the enforcement of
599 the penal, criminal, traffic, or highway laws of the state;

600 2. "Part-time law enforcement officer" who is employed or
601 appointed less than full time, as defined by an employing
602 agency, with or without compensation; who is vested with
603 authority to bear arms and make arrests; and whose primary
604 responsibility is the prevention and detection of crime or the
605 enforcement of the penal, criminal, traffic, or highway laws of
606 the state; ~~or~~

607 3. "Auxiliary law enforcement officer" who is employed or
608 appointed, with or without compensation; who aids or assists a
609 full-time or part-time law enforcement officer; and who, while

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610 under the direct supervision of a full-time or part-time law
611 enforcement officer, has the authority to arrest and perform law
612 enforcement functions; or

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

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

620 (2) Evidence of the speed of a vehicle measured by any
621 radar speed-measuring device shall be inadmissible in any
622 proceeding with respect to an alleged violation of provisions of
623 law regulating the lawful speed of vehicles, unless such
624 evidence of speed is obtained by an officer who:

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

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

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

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

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

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

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639 (3) A speed detection system is exempt from the design
640 requirements for radar units established by the department. A
641 speed detection system must have the ability to perform self-
642 tests as to its detection accuracy. The system must perform a
643 self-test at least once every 30 days. The law enforcement
644 agency, or an agent acting on behalf of the law enforcement
645 agency, operating a speed detection system shall maintain a log
646 of the results of the system's self-tests. The law enforcement
647 agency, or an agent acting on behalf of the law enforcement
648 agency, operating a speed detection system shall also perform an
649 independent calibration test on the speed detection system at
650 least once every 12 months. The self-test logs, as well as the
651 results of the annual calibration test, are admissible in any
652 court proceeding for a traffic citation issued for a violation
653 of s. 316.1895 enforced pursuant to s. 316.1896. Notwithstanding
654 subsection (2), evidence of the speed of a motor vehicle
655 detected by a speed detection system compliant with this
656 subsection and the determination by a traffic enforcement
657 officer that a motor vehicle is operating in excess of the
658 applicable speed limit is admissible in any proceeding with
659 respect to an alleged violation of law regulating the speed of
660 vehicles in school zones.

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

665 318.18 Amount of penalties.—The penalties required for a
666 noncriminal disposition pursuant to s. 318.14 or a criminal
667 offense listed in s. 318.17 are as follows:

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668 (3)

669 (d) Notwithstanding paragraphs (b) and (c), a person cited
670 for exceeding the speed limit in force at the time of the
671 violation on a roadway maintained as a school zone as provided
672 in s. 316.1895, when enforced by a traffic infraction
673 enforcement officer pursuant to s. 316.1896, shall pay a fine of
674 \$100.

675 Section 8. Paragraph (d) of subsection (3) of section
676 322.27, Florida Statutes, is amended, and paragraph (e) is added
677 to that subsection, to read:

678 322.27 Authority of department to suspend or revoke driver
679 license or identification card.—

680 (3) There is established a point system for evaluation of
681 convictions of violations of motor vehicle laws or ordinances,
682 and violations of applicable provisions of s. 403.413(6) (b) when
683 such violations involve the use of motor vehicles, for the
684 determination of the continuing qualification of any person to
685 operate a motor vehicle. The department is authorized to suspend
686 the license of any person upon showing of its records or other
687 good and sufficient evidence that the licensee has been
688 convicted of violation of motor vehicle laws or ordinances, or
689 applicable provisions of s. 403.413(6) (b), amounting to 12 or
690 more points as determined by the point system. The suspension
691 shall be for a period of not more than 1 year.

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

- 695 1. Reckless driving, willful and wanton—4 points.
- 696 2. Leaving the scene of a crash resulting in property

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697 damage of more than \$50-6 points.

698 3. Unlawful speed, or unlawful use of a wireless
699 communications device, resulting in a crash-6 points.

700 4. Passing a stopped school bus:

701 a. Not causing or resulting in serious bodily injury to or
702 death of another-4 points.

703 b. Causing or resulting in serious bodily injury to or
704 death of another-6 points.

705 5. Unlawful speed:

706 a. Not in excess of 15 miles per hour of lawful or posted
707 speed-3 points.

708 b. In excess of 15 miles per hour of lawful or posted
709 speed-4 points.

710 6. A violation of a traffic control signal device as
711 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.

712 However, ~~no~~ points may not ~~shall~~ be imposed for a violation of
713 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
714 stop at a traffic signal and when enforced by a traffic
715 infraction enforcement officer. In addition, a violation of s.
716 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
717 stop at a traffic signal and when enforced by a traffic
718 infraction enforcement officer may not be used for purposes of
719 setting motor vehicle insurance rates.

720 7. All other moving violations (including parking on a
721 highway outside the limits of a municipality)-3 points. However,
722 ~~no~~ points may not ~~shall~~ be imposed for a violation of s.
723 316.0741 or s. 316.2065(11); and points may ~~shall~~ be imposed for
724 a violation of s. 316.1001 only when imposed by the court after
725 a hearing pursuant to s. 318.14(5).

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

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

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

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

735 (e) Points may not be imposed for a violation of unlawful
736 speed as provided in s. 316.183 or s. 316.1895 when enforced by
737 a traffic infraction enforcement officer pursuant to s.
738 316.1896. In addition, a violation of s. 316.183 or s. 316.1895
739 when enforced by a traffic infraction enforcement officer
740 pursuant to s. 316.1896 may not be used for purposes of setting
741 motor vehicle insurance rates.

742 Section 9. Paragraph (a) of subsection (3) of section
743 316.306, Florida Statutes, is amended to read:

744 316.306 School and work zones; prohibition on the use of a
745 wireless communications device in a handheld manner.—

746 (3)(a)1. A person may not operate a motor vehicle while
747 using a wireless communications device in a handheld manner in a
748 designated school crossing, school zone, or work zone area as
749 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph is
750 ~~shall~~ only be applicable to work zone areas if construction
751 personnel are present or are operating equipment on the road or
752 immediately adjacent to the work zone area. For the purposes of
753 this paragraph, a motor vehicle that is stationary is not being
754 operated and is not subject to the prohibition in this

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755 paragraph.

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

760 Section 10. Paragraph (a) of subsection (5) of section
761 316.640, Florida Statutes, is amended to read:

762 316.640 Enforcement.—The enforcement of the traffic laws of
763 this state is vested as follows:

764 (5) (a) Any sheriff's department or police department of a
765 municipality may employ, as a traffic infraction enforcement
766 officer, any individual who successfully completes instruction
767 in traffic enforcement procedures and court presentation through
768 the Selective Traffic Enforcement Program as approved by the
769 Division of Criminal Justice Standards and Training of the
770 Department of Law Enforcement, or through a similar program, but
771 who does not necessarily otherwise meet the uniform minimum
772 standards established by the Criminal Justice Standards and
773 Training Commission for law enforcement officers or auxiliary
774 law enforcement officers under s. 943.13. Any such traffic
775 infraction enforcement officer who observes the commission of a
776 traffic infraction or, in the case of a parking infraction, who
777 observes an illegally parked vehicle may issue a traffic
778 citation for the infraction when, based upon personal
779 investigation, he or she has reasonable and probable grounds to
780 believe that an offense has been committed which constitutes a
781 noncriminal traffic infraction as defined in s. 318.14. In
782 addition, any such traffic infraction enforcement officer may
783 issue a traffic citation under s. 316.0083 or s. 316.1896. For

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784 purposes of enforcing s. 316.0083 or s. 316.1895, any sheriff's
785 department or police department of a municipality may designate
786 employees as traffic infraction enforcement officers. The
787 traffic infraction enforcement officers must be physically
788 located in the county of the respective sheriff's or police
789 department.

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

792 316.650 Traffic citations.—

793 (3) (a) Except for a traffic citation issued pursuant to s.
794 316.0083, s. 316.1001, or s. 316.1896 ~~or s. 316.0083~~, each
795 traffic enforcement officer, upon issuing a traffic citation to
796 an alleged violator of any provision of the motor vehicle laws
797 of this state or of any traffic ordinance of any municipality or
798 town, shall deposit the original traffic citation or, in the
799 case of a traffic enforcement agency that has an automated
800 citation issuance system, the chief administrative officer shall
801 provide by an electronic transmission a replica of the citation
802 data to a court having jurisdiction over the alleged offense or
803 with its traffic violations bureau within 5 business days after
804 issuance to the violator.

805 (c) If a traffic citation is issued under s. 316.0083 or s.
806 316.1896, the traffic infraction enforcement officer must ~~shall~~
807 provide by electronic transmission a replica of the traffic
808 citation data to the court having jurisdiction over the alleged
809 offense or its traffic violations bureau within 5 days after the
810 date of issuance of the traffic citation to the violator. If a
811 hearing is requested, the traffic infraction enforcement officer
812 must ~~shall~~ provide a replica of the traffic notice of violation

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813 data to the clerk for the local hearing officer having
814 jurisdiction over the alleged offense within 14 days.

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

817 318.14 Noncriminal traffic infractions; exception;
818 procedures.—

819 (2) Except as provided in ss. 316.0083, 316.1001(2), and
820 316.1896 and ~~316.0083~~, any person cited for a violation
821 requiring a mandatory hearing listed in s. 318.19 or any other
822 criminal traffic violation listed in chapter 316 must sign and
823 accept a citation indicating a promise to appear. The officer
824 may indicate on the traffic citation the time and location of
825 the scheduled hearing and must indicate the applicable civil
826 penalty established in s. 318.18. For all other infractions
827 under this section, except for infractions under s. 316.1001,
828 the officer must certify by electronic, electronic facsimile, or
829 written signature that the citation was delivered to the person
830 cited. This certification is prima facie evidence that the
831 person cited was served with the citation.

832 Section 13. Subsections (4), (5), and (15) of section
833 318.21, Florida Statutes, are amended to read:

834 318.21 Disposition of civil penalties by county courts.—All
835 civil penalties received by a county court pursuant to the
836 provisions of this chapter shall be distributed and paid monthly
837 as follows:

838 (4) Of the additional fine assessed under s. 318.18(3)(g)
839 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
840 be remitted to the Department of Revenue for deposit in the
841 Grants and Donations Trust Fund of the Division of Blind

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842 Services of the Department of Education, and 60 percent must be
843 distributed pursuant to subsections (1) and (2).

844 (5) Of the additional fine assessed under s. 318.18(3)(g)
845 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
846 must be remitted to the Department of Revenue for deposit in the
847 Grants and Donations Trust Fund of the Division of Vocational
848 Rehabilitation of the Department of Education, and 40 percent
849 must be distributed pursuant to subsections (1) and (2).

850 (15) Of the additional fine assessed under s. 318.18(3)(f)
851 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
852 the moneys received from the fines shall be appropriated to the
853 Agency for Health Care Administration as general revenue to
854 provide an enhanced Medicaid payment to nursing homes that serve
855 Medicaid recipients with brain and spinal cord injuries. The
856 remaining 50 percent of the moneys received from the enhanced
857 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
858 remitted to the Department of Revenue and deposited into the
859 Department of Health Emergency Medical Services Trust Fund to
860 provide financial support to certified trauma centers in the
861 counties where enhanced penalty zones are established to ensure
862 the availability and accessibility of trauma services. Funds
863 deposited into the Emergency Medical Services Trust Fund under
864 this subsection shall be allocated as follows:

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

868 (b) Fifty percent shall be allocated among Level I, Level
869 II, and pediatric trauma centers based on each center's relative
870 volume of trauma cases as calculated using the hospital

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871 discharge data collected pursuant to s. 408.061.

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

874 655.960 Definitions; ss. 655.960-655.965.—As used in this
875 section and ss. 655.961-655.965, unless the context otherwise
876 requires:

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

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