

By the Committee on Fiscal Policy; 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 at
8 specified periods through the use of a speed detection
9 system; providing a rebuttable presumption;
10 authorizing a county or municipality to place or
11 install, or contract with a vendor to place or
12 install, a speed detection system in a school zone;
13 amending s. 316.0776, F.S.; specifying conditions for
14 the placement or installation of speed detection
15 systems; requiring the Department of Transportation to
16 establish certain specifications by a specified date;
17 requiring a county or municipality that installs a
18 speed detection system to provide certain notice to
19 the public; providing signage requirements; requiring
20 a county or municipality that has never conducted a
21 school zone speed detection system program to conduct
22 a public awareness campaign before commencing
23 enforcement using such system; limiting penalties in
24 effect during the public awareness campaign; providing
25 construction; creating s. 316.1894, F.S.; requiring a
26 law enforcement agency with jurisdiction over a county
27 or municipality conducting a school zone speed
28 detection system program to use certain funds to
29 administer the School Crossing Guard Recruitment and

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

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59 notify the registered owner that the notice or
60 citation will not be dismissed under certain
61 circumstances; authorizing the county or municipality
62 to issue a certain person a notification of violation;
63 providing that the affidavit is admissible in a
64 proceeding for the purpose of proving who was
65 operating the motor vehicle at the time of the
66 violation; providing that the owner of a leased
67 vehicle is not responsible for paying a traffic
68 citation or submitting an affidavit; specifying a
69 timeframe for a county or a municipality to issue a
70 notification under certain circumstances; requiring
71 certain persons to issue an affidavit; providing a
72 criminal penalty for submitting a false affidavit;
73 providing that certain photographs or video and
74 evidence of speed are admissible in certain
75 proceedings; providing a rebuttable presumption;
76 providing construction; providing requirements and
77 procedures for hearings; specifying requirements of
78 and prohibitions on the use of recorded video and
79 photographs captured by a speed detection system;
80 requiring municipalities and counties to submit a
81 report to the Department of Highway Safety and Motor
82 Vehicles in a form and manner specified by the
83 department; requiring counties and municipalities to
84 retain certain records for a specified timeframe;
85 requiring the department to submit a summary report to
86 the Governor and Legislature; amending s. 316.1906,
87 F.S.; revising the definition of the term "officer";

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

115
116 Be It Enacted by the Legislature of the State of Florida:

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118 Section 1. Present subsections (82) through (109) of
 119 section 316.003, Florida Statutes, are redesignated as
 120 subsections (83) through (110), respectively, a new subsection
 121 (82) is added to that section, and subsections (38) and (64) of
 122 that section are amended, to read:

123 316.003 Definitions.—The following words and phrases, when
 124 used in this chapter, shall have the meanings respectively
 125 ascribed to them in this section, except where the context
 126 otherwise requires:

127 (38) LOCAL HEARING OFFICER.—The person, designated by a
 128 department, county, or municipality that elects to authorize
 129 traffic infraction enforcement officers to issue traffic
 130 citations under ss. 316.0083(1) (a) and 316.1896(1) ~~s.~~
 131 316.0083(1) (a), who is authorized to conduct hearings related to
 132 a notice of violation issued pursuant to s. 316.0083 or s.
 133 316.1896. The charter county, noncharter county, or municipality
 134 may use its currently appointed code enforcement board or
 135 special magistrate to serve as the local hearing officer. The
 136 department may enter into an interlocal agreement to use the
 137 local hearing officer of a county or municipality.

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

142 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
 143 system used to detect a motor vehicle's speed using radar or
 144 lidar and to capture a photograph or video of the rear of a
 145 motor vehicle that exceeds the speed limit in force at the time

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146 of the violation.

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

149 316.008 Powers of local authorities.—

150 (9) (a) A county or municipality may enforce the applicable
151 speed limit on a roadway properly maintained as a school zone
152 pursuant to s. 316.1895:

153 1. Within 30 minutes before through 30 minutes after the
154 start of a regularly scheduled breakfast program;

155 2. Within 30 minutes before through 30 minutes after the
156 start of a regularly scheduled school session;

157 3. During the entirety of a regularly scheduled school
158 session; and

159 4. Within 30 minutes before through 30 minutes after the
160 end of a regularly scheduled school session

161
162 through the use of a speed detection system for the detection of
163 speed and capturing of photographs or videos for violations in
164 excess of 10 miles per hour over the speed limit in force at the
165 time of the violation. A school zone's compliance with s.
166 316.1895 creates a rebuttable presumption that the school zone
167 is properly maintained.

168 (b) A county or municipality may place or install, or
169 contract with a vendor to place or install, a speed detection
170 system within a roadway maintained as a school zone as provided
171 in s. 316.1895 to enforce unlawful speed violations, as
172 specified in s. 316.183 or s. 316.1895(10), on that roadway.

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

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175 316.0776 Traffic infraction detectors; speed detection
176 systems; placement and installation.—

177 (3) A speed detection system authorized by s. 316.008(9)
178 may be placed or installed in a school zone on a state road when
179 permitted by the Department of Transportation and in accordance
180 with placement and installation specifications developed by the
181 Department of Transportation. The speed detection system may be
182 placed or installed in a school zone on a street or highway
183 under the jurisdiction of a county or a municipality in
184 accordance with placement and installation specifications
185 established by the Department of Transportation. The Department
186 of Transportation shall establish such placement and
187 installation specifications by December 31, 2023.

188 (a) If a county or municipality places or installs a speed
189 detection system as authorized by s. 316.008(9), the county or
190 municipality must notify the public that a speed detection
191 system may be in use by posting signage indicating photographic
192 or video enforcement of the school zone speed limits. Such
193 signage must clearly designate the time period during which the
194 school zone speed limits are enforced using a speed detection
195 system and must meet the placement and installation
196 specifications established by the Department of Transportation.
197 For a speed detection system enforcing violations of s. 316.183
198 or s. 316.1895 on a roadway maintained as a school zone, this
199 paragraph governs the signage notifying the public of the use of
200 a speed detection system.

201 (b) If a county or municipality begins a school zone speed
202 detection system program in a county or municipality that has
203 never conducted such a program, the respective county or

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204 municipality must make a public announcement and conduct a
205 public awareness campaign of the proposed use of speed detection
206 systems at least 30 days before commencing enforcement under the
207 speed detection system program and must notify the public of the
208 specific date on which the program will commence. During the 30-
209 day public awareness campaign, only a warning may be issued to
210 the registered owner of a motor vehicle for a violation of s.
211 316.183 or s. 316.1895 enforced by a speed detection system, and
212 liability may not be imposed for the civil penalty under s.
213 318.18(3)(d).

214 Section 4. Section 316.1894, Florida Statutes, is created
215 to read:

216 316.1894 School Crossing Guard Recruitment and Retention
217 Program.—The law enforcement agency having jurisdiction over a
218 county or municipality conducting a school zone speed detection
219 system program authorized by s. 316.008(9) shall use funds
220 generated pursuant to s. 316.1896(5)(e) from the school zone
221 speed detection system program to administer the School Crossing
222 Guard Recruitment and Retention Program. Such program may
223 provide recruitment and retention stipends to crossing guards at
224 K-12 public schools, including charter schools, or stipends to
225 third parties for the recruitment of new crossing guards. The
226 School Crossing Guard Recruitment and Retention Program must be
227 designed and managed at the discretion of the law enforcement
228 agency.

229 Section 5. Section 316.1896, Florida Statutes, is created
230 to read:

231 316.1896 Roadways maintained as school zones; speed
232 detection system enforcement; penalties; appeal procedure;

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233 privacy; reports.-

234 (1) For purposes of administering this section, a county or
235 municipality may authorize a traffic infraction enforcement
236 officer under s. 316.640 to issue uniform traffic citations for
237 violations of ss. 316.183 and 316.1895, as authorized by s.
238 316.008(9), for the following:

239 (a) A violation of s. 316.1895 in excess of 10 miles per
240 hour over the school zone speed limit which occurs within 30
241 minutes before through 30 minutes after the start of a regularly
242 scheduled breakfast program.

243 (b) A violation of s. 316.1895 in excess of 10 miles per
244 hour over the school zone speed limit which occurs within 30
245 minutes before through 30 minutes after the start of a regularly
246 scheduled school session.

247 (c) A violation of s. 316.183 in excess of 10 miles per
248 hour over the posted speed limit during the entirety of a
249 regularly scheduled school session.

250 (d) A violation of s. 316.1895 in excess of 10 miles per
251 hour over the school zone speed limit which occurs within 30
252 minutes before through 30 minutes after the end of a regularly
253 scheduled school session.

254

255 Such violation must be evidenced by a speed detection system
256 described in ss. 316.008(9) and 316.0776(3). This subsection
257 does not prohibit a review of information from a speed detection
258 system by an authorized employee or agent of a county or
259 municipality before issuance of the uniform traffic citation by
260 the traffic infraction enforcement officer. This subsection does
261 not prohibit a county or municipality from issuing notices as

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262 provided in subsection (2) to the registered owner of the motor
263 vehicle for a violation of s. 316.183 or s. 316.1895.

264 (2) Within 30 days after a violation, notice must be sent
265 to the registered owner of the motor vehicle involved in the
266 violation specifying the remedies available under s. 318.14 and
267 that the violator must pay the penalty under s. 318.18(3)(d) to
268 the county or municipality, or furnish an affidavit in
269 accordance with subsection (8), within 30 days after the date of
270 the notice of violation in order to avoid court fees, costs, and
271 the issuance of a uniform traffic citation. The notice of
272 violation must:

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

274 (b) Include a photograph or other recorded image showing
275 the license plate of the motor vehicle; the date, time, and
276 location of the violation; the maximum speed at which the motor
277 vehicle was traveling within the school zone; and the speed
278 limit within the school zone at the time of the violation.

279 (c) Include a notice that the owner has the right to
280 review, in person or remotely, the photograph or video captured
281 by the speed detection system and the evidence of the speed of
282 the motor vehicle detected by the speed detection system which
283 constitute a rebuttable presumption that the motor vehicle was
284 used in violation of s. s. 316.183 or s. 316.1895.

285 (d) State the time when, and the place or website at which,
286 the photograph or video captured and evidence of speed detected
287 may be examined and observed.

288 (3) Notwithstanding any other law, a person who receives a
289 notice of violation under this section may request a hearing
290 within 30 days after the notice of violation or may pay the

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291 penalty pursuant to the notice of violation, but a payment or
292 fee may not be required before the hearing requested by the
293 person. The notice of violation must be accompanied by, or
294 direct the person to a website that provides, information on the
295 person's right to request a hearing and on all costs related
296 thereto and a form used for requesting a hearing. As used in
297 this subsection, the term "person" means a natural person, the
298 registered owner or co-owner of a motor vehicle, or the person
299 identified in an affidavit as having actual care, custody, or
300 control of the motor vehicle at the time of the violation.

301 (4) If the registered owner or co-owner of the motor
302 vehicle; the person identified as having care, custody, or
303 control of the motor vehicle at the time of the violation; or an
304 authorized representative of the owner, co-owner, or identified
305 person initiates a proceeding to challenge the violation, such
306 person waives any challenge or dispute as to the delivery of the
307 notice of violation.

308 (5) Penalties assessed and collected by the county or
309 municipality authorized to collect the funds provided for in
310 this section, less the amount retained by the county or
311 municipality pursuant to paragraphs (b) and (e) and the amount
312 remitted to the county school district pursuant to paragraph
313 (d), must be paid weekly to the Department of Revenue. Such
314 payment must be made by means of electronic funds transfer. In
315 addition to the payment, a detailed summary of the penalties
316 remitted must be reported to the Department of Revenue.
317 Penalties to be assessed and collected by the county or
318 municipality as established in s. 318.18(3) (d) must be remitted
319 as follows:

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

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

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

328 (d) Twelve dollars must be remitted to the county school
329 district in which the violation occurred and must be used for
330 school security initiatives, for student transportation, or to
331 improve the safety of student walking conditions. Funds remitted
332 under this paragraph must be shared with charter schools in the
333 district based on each charter school's proportionate share of
334 the district's total unweighted full-time equivalent student
335 enrollment and must be used for school security initiatives or
336 to improve the safety of student walking conditions.

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

340 (6) A uniform traffic citation must be issued by mailing
341 the uniform traffic citation by certified mail to the address of
342 the registered owner of the motor vehicle involved in the
343 violation if payment has not been made within 30 days after
344 notification under subsection (2), if the registered owner has
345 not requested a hearing as authorized under subsection (3), and
346 if the registered owner has not submitted an affidavit in
347 accordance with subsection (8).

348 (a) Delivery of the uniform traffic citation constitutes

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349 notification of a violation under this subsection. If the
350 registered owner or co-owner of the motor vehicle; the person
351 identified as having care, custody, or control of the motor
352 vehicle at the time of the violation; or a duly authorized
353 representative of the owner, co-owner, or identified person
354 initiates a proceeding to challenge the citation pursuant to
355 this section, such person waives any challenge or dispute as to
356 the delivery of the uniform traffic citation.

357 (b) In the case of joint ownership of a motor vehicle, the
358 uniform traffic citation must be mailed to the first name
359 appearing on the motor vehicle registration, unless the first
360 name appearing on the registration is a business organization,
361 in which case the second name appearing on the registration may
362 be used.

363 (c) The uniform traffic citation mailed to the registered
364 owner of the motor vehicle involved in the infraction must be
365 accompanied by the information described in paragraphs (2) (b),
366 (c), and (d).

367 (7) The registered owner of the motor vehicle involved in
368 the violation is responsible and liable for paying the uniform
369 traffic citation issued for a violation of s. 316.183 or s.
370 316.1895 unless the owner can establish that:

371 (a) At the time of the violation, the motor vehicle was in
372 the care, custody, or control of another person;

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

376 (c) The motor vehicle's registered owner was deceased on or
377 before the date of the alleged violation, as established by an

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378 affidavit submitted by the representative of the motor vehicle
379 owner's estate or other identified person or family member.

380 (8) To establish such facts under subsection (7), the
381 registered owner of the motor vehicle must, within 30 days after
382 the date of issuance of the notice of violation or the uniform
383 traffic citation, furnish to the appropriate governmental entity
384 an affidavit setting forth information supporting an exception
385 under subsection (7).

386 (a) An affidavit supporting the exception under paragraph
387 (7) (a) must include the name, address, date of birth, and, if
388 known, the driver license number of the person who leased,
389 rented, or otherwise had care, custody, or control of the motor
390 vehicle at the time of the alleged violation. If the motor
391 vehicle was stolen at the time of the alleged violation, the
392 affidavit must include the police report indicating that the
393 motor vehicle was stolen.

394 (b) If a uniform traffic citation for a violation of s.
395 316.183 or s. 316.1895 was issued at the location of the
396 violation by a law enforcement officer, the affidavit must
397 include the serial number of the uniform traffic citation.

398 (c) If the motor vehicle's owner to whom a notice of
399 violation or a uniform traffic citation has been issued is
400 deceased, the affidavit must include a certified copy of the
401 owner's death certificate showing that the date of death
402 occurred on or before the date of the alleged violation and any
403 of the following:

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

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407 2. Documented proof that the registered license plate
408 belonging to the deceased owner's motor vehicle was returned to
409 the department or any branch office or authorized agent of the
410 department after his or her death but on or before the date of
411 the alleged violation.

412 3. A copy of the police report showing that the deceased
413 owner's registered license plate or motor vehicle was stolen
414 after his or her death but on or before the date of the alleged
415 violation.

416
417 Upon receipt of the affidavit and documentation required under
418 paragraphs (b) and (c), or 30 days after the date of issuance of
419 a notice of violation sent to a person identified as having
420 care, custody, or control of the motor vehicle at the time of
421 the violation under paragraph (a), the county or municipality
422 must dismiss the notice or citation and provide proof of such
423 dismissal to the person who submitted the affidavit. If, within
424 30 days after the date of a notice of violation sent to a person
425 under subsection (9), the county or municipality receives an
426 affidavit under subsection (10) from the person sent a notice of
427 violation affirming that the person did not have care, custody,
428 or control of the motor vehicle at the time of the violation,
429 the county or municipality must notify the registered owner that
430 the notice or citation will not be dismissed due to failure to
431 establish that another person had care, custody, or control of
432 the motor vehicle at the time of the violation.

433 (9) Upon receipt of an affidavit under paragraph (8) (a),
434 the county or municipality may issue the person identified as
435 having care, custody, or control of the motor vehicle at the

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436 time of the violation a notice of violation pursuant to
437 subsection (2) for a violation of s. 316.183 or s. 316.1895. The
438 affidavit is admissible in a proceeding pursuant to this section
439 for the purpose of providing evidence that the person identified
440 in the affidavit was in actual care, custody, or control of the
441 motor vehicle. The owner of a leased motor vehicle for which a
442 uniform traffic citation is issued for a violation of s. 316.183
443 or s. 316.1895 is not responsible for paying the uniform traffic
444 citation and is not required to submit an affidavit as specified
445 in subsection (8) if the motor vehicle involved in the violation
446 is registered in the name of the lessee.

447 (10) If a county or municipality receives an affidavit
448 under paragraph (8) (a), the notice of violation required under
449 subsection (2) must be sent to the person identified in the
450 affidavit within 30 days after receipt of the affidavit. The
451 person identified in an affidavit and sent a notice of violation
452 may also affirm that he or she did not have care, custody, or
453 control of the motor vehicle at the time of the violation by
454 furnishing to the appropriate governmental entity within 30 days
455 after the date of the notice of violation an affidavit stating
456 such.

457 (11) The submission of a false affidavit is a misdemeanor
458 of the second degree, punishable as provided in s. 775.082 or s.
459 775.083.

460 (12) The photograph or video captured by a speed detection
461 system and the evidence of the speed of the motor vehicle
462 detected by a speed detection system which are attached to or
463 referenced in the uniform traffic citation are evidence of a
464 violation of s. 316.183 or s. 316.1895 and are admissible in any

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465 proceeding to enforce this section. The photograph or video and
466 the evidence of speed detected raise a rebuttable presumption
467 that the motor vehicle named in the report or shown in the
468 photograph or video was used in violation of s. 316.183 or s.
469 316.1895.

470 (13) This section supplements the enforcement of ss.
471 316.183 and 316.1895 by a law enforcement officer and does not
472 prohibit a law enforcement officer from issuing a uniform
473 traffic citation for a violation of s. 316.183 or s. 316.1895.

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

476 (a) The department shall publish and make available
477 electronically to each county and municipality a model request
478 for hearing form to assist each county or municipality
479 administering this section.

480 (b) A county or municipality electing to authorize traffic
481 infraction enforcement officers to issue uniform traffic
482 citations under subsection (6) must designate by resolution
483 existing staff to serve as the clerk to the local hearing
484 officer.

485 (c) A person, referred to in this subsection as the
486 "petitioner," who elects to request a hearing under subsection
487 (3) must be scheduled for a hearing by the clerk to the local
488 hearing officer. The clerk must furnish the petitioner with
489 notice sent by first-class mail. Upon receipt of the notice, the
490 petitioner may reschedule the hearing up to two times by
491 submitting a written request to reschedule to the clerk at least
492 5 calendar days before the day of the scheduled hearing. The
493 petitioner may cancel his or her appearance before the local

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494 hearing officer by paying the penalty assessed under subsection
495 (2), plus the administrative costs established in s.
496 316.0083(5) (c), before the start of the hearing.

497 (d) All testimony at the hearing must be under oath and
498 must be recorded. The local hearing officer shall take testimony
499 from a traffic infraction enforcement officer and the petitioner
500 and may take testimony from others. The local hearing officer
501 shall review the photograph or video captured by the speed
502 detection system and the evidence of the speed of the motor
503 vehicle detected by the speed detection system made available
504 under paragraph (2) (b). Formal rules of evidence do not apply,
505 but due process must be observed and must govern the
506 proceedings.

507 (e) At the conclusion of the hearing, the local hearing
508 officer shall determine whether a violation under this section
509 occurred and must uphold or dismiss the violation. The local
510 hearing officer shall issue a final administrative order
511 including the determination and, if the notice of violation is
512 upheld, must require the petitioner to pay the penalty
513 previously assessed under subsection (2), and may also require
514 the petitioner to pay county or municipal costs not to exceed
515 the amount established in s. 316.0083(5) (e). The final
516 administrative order must be mailed to the petitioner by first-
517 class mail.

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

520 (15) (a) A speed detection system in a school zone may not
521 be used for remote surveillance. The collection of evidence by a
522 speed detection system to enforce violations of ss. 316.183 and

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523 316.1895, or user-controlled pan or tilt adjustments of speed
524 detection system components, do not constitute remote
525 surveillance. Recorded video or photographs collected as part of
526 a speed detection system in a school zone may only be used to
527 document violations of ss. 316.183 and 316.1895 and for purposes
528 of determining criminal or civil liability for incidents
529 captured by the speed detection system incidental to the
530 permissible use of the speed detection system.

531 (b) Any recorded video or photograph obtained through the
532 use of a speed detection system must be destroyed within 90 days
533 after the final disposition of the recorded event. The vendor of
534 a speed detection system shall provide the county or
535 municipality with written notice by December 31 of each year
536 that such records have been destroyed in accordance with this
537 subsection.

538 (c) Notwithstanding any other law, registered motor vehicle
539 owner information obtained as a result of the operation of a
540 speed detection system in a school zone is not the property of
541 the manufacturer or vendor of the speed detection system and may
542 be used only for the purposes of this section.

543 (16) (a) Each county or municipality that operates a speed
544 detection system in a school zone must submit a report by
545 October 1, 2024, and annually thereafter, to the department
546 which details the results of the speed detection system in the
547 school zone and the procedures for enforcement. The information
548 from counties and municipalities must be submitted in a form and
549 manner determined by the department, which the department must
550 make available to the counties and municipalities by August 1,
551 2023, and the department may require data components to be

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552 submitted quarterly. The report must include at least the
553 following:

554 1. Information related to the location of each speed
555 detection system, including the geocoordinates of the school
556 zone, the directional approach of the speed detection system,
557 the school name, the school level, the times the speed detection
558 system was active, the restricted school zone speed limit
559 enforced pursuant to s. 316.1895(5), the posted speed limit
560 enforced at times other than those authorized by s. 316.1895(5),
561 the date the systems were activated to enforce violations of ss.
562 316.183 and 316.1895, and, if applicable, the date the systems
563 were deactivated.

564 2. The number of notices of violation issued, the number
565 that were contested, the number that were upheld, the number
566 that were dismissed, the number that were issued as uniform
567 traffic citations, and the number that were paid.

568 3. Any other statistical data and information related to
569 the procedures for enforcement required by the department to
570 complete the report required under paragraph (c).

571 (b) Each county or municipality that operates a speed
572 detection system is responsible for and must maintain its
573 respective data for reporting purposes under this subsection for
574 at least 2 years after such data is reported to the department.

575 (c) On or before December 31, 2024, and annually
576 thereafter, the department shall submit a summary report to the
577 Governor, the President of the Senate, and the Speaker of the
578 House of Representatives regarding the use of speed detection
579 systems under this section, along with any legislative
580 recommendations from the department. The summary report must

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581 include a review of the information submitted to the department
582 by the counties and municipalities and must describe the
583 enhancement of safety and enforcement programs.

584 Section 6. Paragraph (d) of subsection (1) of section
585 316.1906, Florida Statutes, is amended, and subsection (3) is
586 added to that section, to read:

587 316.1906 Radar speed-measuring devices; speed detection
588 systems; evidence, admissibility.-

589 (1) DEFINITIONS.-

590 (d) "Officer" means any:

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

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

604 3. "Auxiliary law enforcement officer" who is employed or
605 appointed, with or without compensation; who aids or assists a
606 full-time or part-time law enforcement officer; and who, while
607 under the direct supervision of a full-time or part-time law
608 enforcement officer, has the authority to arrest and perform law
609 enforcement functions; or

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610 4. "Traffic infraction enforcement officer" who is employed
611 or appointed, with or without compensation, and satisfies the
612 requirements of s. 316.640(5) and is vested with authority to
613 enforce violations of ss. 316.183 and 316.1895 pursuant to s.
614 316.1896.

615 (3) A speed detection system is exempt from the design
616 requirements for radar or lidar units established by the
617 department. A speed detection system must have the ability to
618 perform self-tests as to its detection accuracy. The system must
619 perform a self-test at least once every 30 days. The law
620 enforcement agency, or an agent acting on behalf of the law
621 enforcement agency, operating a speed detection system shall
622 maintain a log of the results of the system's self-tests. The
623 law enforcement agency or an agent acting on behalf of the law
624 enforcement agency operating a speed detection system shall also
625 perform an independent calibration test on the speed detection
626 system at least once every 12 months. The self-test logs, as
627 well as the results of the annual calibration test, are
628 admissible in any court proceeding for a uniform traffic
629 citation issued for a violation of s. 316.183 or s. 316.1895
630 enforced pursuant to s. 316.1896. Notwithstanding subsection
631 (2), evidence of the speed of a motor vehicle detected by a
632 speed detection system compliant with this subsection and the
633 determination by a traffic enforcement officer that a motor
634 vehicle is operating in excess of the applicable speed limit is
635 admissible in any proceeding with respect to an alleged
636 violation of law regulating the speed of motor vehicles in
637 school zones.

638 Section 7. Paragraphs (d) through (h) of subsection (3) of

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639 section 318.18, Florida Statutes, are redesignated as paragraphs
640 (e) through (i), respectively, and a new paragraph (d) is added
641 to that subsection to read:

642 318.18 Amount of penalties.—The penalties required for a
643 noncriminal disposition pursuant to s. 318.14 or a criminal
644 offense listed in s. 318.17 are as follows:

645 (3)

646 (d)1. Notwithstanding paragraphs (b) and (c), a person
647 cited for a violation of s. 316.183 or s. 316.1895(10) for
648 exceeding the speed limit in force at the time of the violation
649 on a roadway maintained as a school zone as provided in s.
650 316.1895, when enforced by a traffic infraction enforcement
651 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
652 collected under this paragraph must be distributed as follows:

653 a. Twenty dollars must be remitted to the Department of
654 Revenue for deposit into the General Revenue Fund.

655 b. Seventy-seven dollars must be distributed to the county
656 for any violations occurring in any unincorporated areas of the
657 county or to the municipality for any violations occurring in
658 the incorporated boundaries of the municipality in which the
659 infraction occurred, to be used as provided in s. 316.1896(5).

660 c. Three dollars must be remitted to the Department of
661 Revenue for deposit into the Department of Law Enforcement
662 Criminal Justice Standards and Training Trust Fund to be used as
663 provided in s. 943.25.

664 2. If a person who is mailed a notice of violation or a
665 uniform traffic citation for a violation of s. 316.183 or s.
666 316.1895(10), as enforced by a traffic infraction enforcement
667 officer under s. 316.1896, presents documentation from the

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668 appropriate governmental entity that the notice of violation or
669 uniform traffic citation was in error, the clerk of the court or
670 clerk to the local hearing officer may dismiss the case. The
671 clerk of the court or clerk to the local hearing officer may not
672 charge for this service.

673 Section 8. Paragraph (d) of subsection (3) of section
674 322.27, Florida Statutes, is amended to read:

675 322.27 Authority of department to suspend or revoke driver
676 license or identification card.—

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

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

- 692 1. Reckless driving, willful and wanton—4 points.
693 2. Leaving the scene of a crash resulting in property
694 damage of more than \$50—6 points.
695 3. Unlawful speed, or unlawful use of a wireless
696 communications device, resulting in a crash—6 points.

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- 697 4. Passing a stopped school bus:
- 698 a. Not causing or resulting in serious bodily injury to or
- 699 death of another—4 points.
- 700 b. Causing or resulting in serious bodily injury to or
- 701 death of another—6 points.
- 702 5. Unlawful speed:
- 703 a. Not in excess of 15 miles per hour of lawful or posted
- 704 speed—3 points.
- 705 b. In excess of 15 miles per hour of lawful or posted
- 706 speed—4 points.
- 707 c. Points may not be imposed for a violation of unlawful
- 708 speed as provided in s. 316.183 or s. 316.1895 when enforced by
- 709 a traffic infraction enforcement officer pursuant to s.
- 710 316.1896. In addition, a violation of s. 316.183 or 316.1895
- 711 when enforced by a traffic infraction enforcement officer
- 712 pursuant to s. 316.1896 may not be used for purposes of setting
- 713 motor vehicle insurance rates.
- 714 6. A violation of a traffic control signal device as
- 715 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 716 However, no points shall be imposed for a violation of s.
- 717 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
- 718 stop at a traffic signal and when enforced by a traffic
- 719 infraction enforcement officer. In addition, a violation of s.
- 720 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
- 721 stop at a traffic signal and when enforced by a traffic
- 722 infraction enforcement officer may not be used for purposes of
- 723 setting motor vehicle insurance rates.
- 724 7. All other moving violations (including parking on a
- 725 highway outside the limits of a municipality)—3 points. However,

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726 no points shall be imposed for a violation of s. 316.0741 or s.
727 316.2065(11); and points shall be imposed for a violation of s.
728 316.1001 only when imposed by the court after a hearing pursuant
729 to s. 318.14(5).

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

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

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

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

739 Section 9. Paragraph (a) of subsection (3) of section
740 316.306, Florida Statutes, is amended to read:

741 316.306 School and work zones; prohibition on the use of a
742 wireless communications device in a handheld manner.-

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

753 2. Effective January 1, 2020, a law enforcement officer may
754 stop motor vehicles and issue citations to persons who are

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755 driving while using a wireless communications device in a
756 handheld manner in violation of subparagraph 1.

757 Section 10. Paragraph (a) of subsection (5) of section
758 316.640, Florida Statutes, is amended to read:

759 316.640 Enforcement.—The enforcement of the traffic laws of
760 this state is vested as follows:

761 (5) (a) Any sheriff's department or police department of a
762 municipality may employ, as a traffic infraction enforcement
763 officer, any individual who successfully completes instruction
764 in traffic enforcement procedures and court presentation through
765 the Selective Traffic Enforcement Program as approved by the
766 Division of Criminal Justice Standards and Training of the
767 Department of Law Enforcement, or through a similar program, but
768 who does not necessarily otherwise meet the uniform minimum
769 standards established by the Criminal Justice Standards and
770 Training Commission for law enforcement officers or auxiliary
771 law enforcement officers under s. 943.13. Any such traffic
772 infraction enforcement officer who observes the commission of a
773 traffic infraction or, in the case of a parking infraction, who
774 observes an illegally parked vehicle may issue a traffic
775 citation for the infraction when, based upon personal
776 investigation, he or she has reasonable and probable grounds to
777 believe that an offense has been committed which constitutes a
778 noncriminal traffic infraction as defined in s. 318.14. In
779 addition, any such traffic infraction enforcement officer may
780 issue a traffic citation under s. 316.0083 or s. 316.1896. For
781 purposes of enforcing s. 316.0083 or s. 316.1895, any sheriff's
782 department or police department of a municipality may designate
783 employees as traffic infraction enforcement officers. The

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784 traffic infraction enforcement officers must be physically
785 located in the county of the respective sheriff's or police
786 department.

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

789 316.650 Traffic citations.—

790 (3) (a) Except for a traffic citation issued pursuant to s.
791 316.0083, s. 316.1001, or s. 316.1896 ~~or s. 316.0083~~, each
792 traffic enforcement officer, upon issuing a traffic citation to
793 an alleged violator of any provision of the motor vehicle laws
794 of this state or of any traffic ordinance of any municipality or
795 town, shall deposit the original traffic citation or, in the
796 case of a traffic enforcement agency that has an automated
797 citation issuance system, the chief administrative officer shall
798 provide by an electronic transmission a replica of the citation
799 data to a court having jurisdiction over the alleged offense or
800 with its traffic violations bureau within 5 business days after
801 issuance to the violator.

802 (c) If a traffic citation is issued under s. 316.0083 or s.
803 316.1896, the traffic infraction enforcement officer must ~~shall~~
804 provide by electronic transmission a replica of the traffic
805 citation data to the court having jurisdiction over the alleged
806 offense or its traffic violations bureau within 5 business days
807 after the date of issuance of the traffic citation to the
808 violator. If a hearing is requested, the traffic infraction
809 enforcement officer must ~~shall~~ provide a replica of the traffic
810 notice of violation data to the clerk for the local hearing
811 officer having jurisdiction over the alleged offense within 14
812 days.

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

815 318.14 Noncriminal traffic infractions; exception;
816 procedures.—

817 (2) Except as provided in ss. 316.0083, 316.1001(2), and
818 316.1896 ~~and 316.0083~~, any person cited for a violation
819 requiring a mandatory hearing listed in s. 318.19 or any other
820 criminal traffic violation listed in chapter 316 must sign and
821 accept a citation indicating a promise to appear. The officer
822 may indicate on the traffic citation the time and location of
823 the scheduled hearing and must indicate the applicable civil
824 penalty established in s. 318.18. For all other infractions
825 under this section, except for infractions under s. 316.1001,
826 the officer must certify by electronic, electronic facsimile, or
827 written signature that the citation was delivered to the person
828 cited. This certification is prima facie evidence that the
829 person cited was served with the citation.

830 Section 13. Subsections (4), (5), and (15) of section
831 318.21, Florida Statutes, are amended to read:

832 318.21 Disposition of civil penalties by county courts.—All
833 civil penalties received by a county court pursuant to the
834 provisions of this chapter shall be distributed and paid monthly
835 as follows:

836 (4) Of the additional fine assessed under s. 318.18(3)(g)
837 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
838 be remitted to the Department of Revenue for deposit in the
839 Grants and Donations Trust Fund of the Division of Blind
840 Services of the Department of Education, and 60 percent must be
841 distributed pursuant to subsections (1) and (2).

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

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

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

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

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

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871 Statutes, is amended to read:

872 655.960 Definitions; ss. 655.960-655.965.—As used in this
873 section and ss. 655.961-655.965, unless the context otherwise
874 requires:

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

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