

1 A bill to be entitled
2 An act relating to enforcement of school zone speed
3 limits; amending s. 316.003, F.S.; defining the term
4 "speed detection system"; amending s. 316.008, F.S.;
5 authorizing a county or municipality to enforce the
6 speed limit in a school zone at specified periods
7 through the use of a speed detection system; providing
8 a rebuttable presumption; authorizing a county or
9 municipality to install, or contract with a vendor to
10 install, a speed detection system in a school zone;
11 amending s. 316.0776, F.S.; specifying conditions for
12 the placement or installation of speed detection
13 systems; requiring the Department of Transportation to
14 establish certain specifications by a specified date;
15 requiring a county or municipality that installs a
16 speed detection system to provide certain notice to
17 the public; providing signage requirements; requiring
18 a county or municipality that has never conducted a
19 speed detection system program to conduct a public
20 awareness campaign before commencing enforcement using
21 such system; limiting penalties in effect during the
22 public awareness campaign; providing construction;
23 creating s. 316.1894, F.S.; requiring a law
24 enforcement agency with jurisdiction over a county or
25 municipality conducting a speed detection system

26 | program to use certain funds to administer the School
27 | Crossing Guard Recruitment and Retention Program;
28 | providing purposes; requiring program design and
29 | management at the discretion of the law enforcement
30 | agency; creating s. 316.1896, F.S.; authorizing a
31 | county or municipality to authorize a traffic
32 | infraction enforcement officer to issue traffic
33 | citations for certain violations; providing
34 | construction; providing notification requirements and
35 | procedures; authorizing a person who receives a
36 | notification of violation to request a hearing within
37 | a specified timeframe; defining the term "person";
38 | providing for waiver of challenge or dispute as to the
39 | delivery of the notification of violation; requiring a
40 | county or municipality to pay certain funds to the
41 | Department of Revenue; providing for the distribution
42 | of funds; providing requirements for issuance of a
43 | traffic citation; providing for waiver of challenge or
44 | dispute as to the delivery of the traffic citation;
45 | providing notification requirements and procedures;
46 | specifying that the registered owner of a motor
47 | vehicle is responsible and liable for paying a traffic
48 | citation; providing exceptions; requiring an owner of
49 | a motor vehicle to furnish an affidavit under certain
50 | circumstances; specifying requirements for such

51 affidavit; providing a criminal penalty for submitting
52 a false affidavit; providing that certain photographs
53 or video and evidence of speed are admissible in
54 certain proceedings; providing a rebuttable
55 presumption; providing construction; providing
56 requirements and procedures for hearings; amending s.
57 316.1906, F.S.; revising the definition of the term
58 "officer"; providing self-test requirements for speed
59 detection systems; requiring a law enforcement agency
60 operating a speed detection system to maintain a log
61 of results of the system's self-tests and to perform
62 independent calibration tests of such systems;
63 providing for the admissibility of certain evidence in
64 certain proceedings; amending s. 318.18, F.S.;

65 providing a civil penalty for a speed limit violation
66 in a school zone; amending s. 322.27, F.S.;

67 prohibiting points from being imposed against a driver
68 license for certain infractions enforced by a traffic
69 infraction enforcement officer; prohibiting such
70 infractions from being used to set motor vehicle
71 insurance rates; amending ss. 316.306, 316.640,
72 316.650, 318.14, 318.21, and 655.960, F.S.; conforming
73 cross-references and provisions to changes made by the
74 act; providing an effective date.

75

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

77
78 Section 1. Subsections (82) through (109) of section
79 316.003, Florida Statutes, are renumbered as subsections (83)
80 through (110), respectively, subsection (64) is amended, and a
81 new subsection (82) is added to that section, to read:

82 316.003 Definitions.—The following words and phrases, when
83 used in this chapter, shall have the meanings respectively
84 ascribed to them in this section, except where the context
85 otherwise requires:

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

91 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
92 system used to detect a motor vehicle's speed using radar and to
93 capture a photograph or video of the rear of a motor vehicle in
94 a school zone which exceeds the speed limit in force at the time
95 of the violation.

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

98 316.008 Powers of local authorities.—

99 (9)(a) A county or municipality may enforce the speed
100 limit on a roadway maintained as a school zone pursuant to s.

101 316.1895:

102 1. Within 30 minutes before the start of a regularly

103 scheduled breakfast program at the restrictive speed limit;

104 2. Within 30 minutes before the start of a regularly

105 scheduled school session at the restrictive speed limit;

106 3. During the entirety of a regularly scheduled school

107 session at the posted speed limit; and

108 4. Within 30 minutes after the end of a regularly

109 scheduled school session at the restrictive speed limit

110

111 through the use of a speed detection system for the detection of

112 speed and capturing of photographs or videos for violations in

113 excess of 10 miles per hour over the posted speed limit in force

114 at the time of the violation. A school zone's compliance with s.

115 316.1895, except for s. 316.1895(6) relating to a sign stating

116 "Speeding Fines Doubled" as otherwise specified in s.

117 316.0776(3)(a), creates a rebuttable presumption that the school

118 zone is being properly maintained.

119 (b) A county or municipality may place or install, or

120 contract with a vendor to place or install, a speed detection

121 system within a roadway maintained as a school zone as provided

122 in s. 316.1895 to enforce unlawful speed violations of s.

123 316.1895 or s. 316.183 on that roadway.

124 Section 3. Subsection (3) is added to section 316.0776,

125 Florida Statutes, to read:

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126 316.0776 Traffic infraction detectors; speed detection
127 systems; placement and installation.—

128 (3) A speed detection system may be placed or installed on
129 a state road when permitted by the Department of Transportation
130 and in accordance with placement and installation specifications
131 developed by the Department of Transportation. A speed detection
132 system may be placed or installed on a street or highway under
133 the jurisdiction of a county or a municipality in accordance
134 with placement and installation specifications established by
135 the Department of Transportation. The Department of
136 Transportation shall establish such placement and installation
137 specifications by August 1, 2023.

138 (a) If a county or municipality places or installs a speed
139 detection system within a roadway maintained as a school zone as
140 provided in s. 316.1895, the county or municipality must notify
141 the public that a speed detection system may be in use by
142 posting signage indicating photographic or video enforcement of
143 the posted speed limit. Such signage used to notify the public
144 must meet the specifications for uniform signals and devices
145 adopted by the Department of Transportation pursuant to s.
146 316.0745. For a speed detection system enforcing violations of
147 ss. 316.1895 and 316.183 on a roadway maintained as a school
148 zone, this paragraph shall govern the signage notifying the
149 public of the use of a speed detection system, and a sign
150 stating "Speeding Fines Doubled," as provided in s. 316.1895(6),

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151 is not required when a violation of s. 316.1895 is enforced by a
152 speed detection system in a designated school zone.

153 (b) If a county or municipality begins a speed detection
154 system program in a county or municipality that has never
155 conducted such a program, the respective county or municipality
156 shall make a public announcement and conduct a public awareness
157 campaign of the proposed use of speed detection systems at least
158 30 days before commencing enforcement under the speed detection
159 system program and notify the public of the specific date on
160 which the program will commence. During the public awareness
161 campaign, only a warning may be issued to the registered owner
162 of a motor vehicle for a violation of s. 316.1895 or s. 316.183,
163 and liability may not be imposed for the civil penalty under s.
164 318.18(3) (d) .

165 Section 4. Section 316.1894, Florida Statutes, is created
166 to read:

167 316.1894 School Crossing Guard Recruitment and Retention
168 Program.—The law enforcement agency having jurisdiction over a
169 county or municipality conducting a speed detection system
170 program shall use a portion of funds generated from the speed
171 detection system program pursuant to s. 316.1896(5) (e) to
172 administer the School Crossing Guard Recruitment and Retention
173 Program. Such program may provide recruitment and retention
174 stipends to crossing guards at K-12 public schools, including
175 charter schools, or stipends to third parties for the

176 recruitment of new crossing guards. The School Crossing Guard
 177 Recruitment and Retention Program shall be designed and managed
 178 at the discretion of the law enforcement agency.

179 Section 5. Section 316.1896, Florida Statutes, is created
 180 to read:

181 316.1896 Roadways maintained as school zones; speed
 182 detection system enforcement; penalties; appeal procedure.—

183 (1) For purposes of administering this section, a county
 184 or municipality may authorize a traffic infraction enforcement
 185 officer under s. 316.640 to issue a traffic citation for a
 186 violation of the speed limit on a roadway maintained as a school
 187 zone pursuant to s. 316.1895, as follows:

188 (a) For a violation of s. 316.1895 in excess of 10 miles
 189 per hour over the restrictive speed limit which occurs within 30
 190 minutes before the start of a regularly scheduled breakfast
 191 program.

192 (b) For a violation of s. 316.1895 in excess of 10 miles
 193 per hour over the restrictive speed limit which occurs within 30
 194 minutes before the start of a regularly scheduled school
 195 session.

196 (c) For a violation of s. 316.183 in excess of 10 miles
 197 per hour over the posted speed limit during the entirety of a
 198 regularly scheduled school session.

199 (d) For a violation of s. 316.1895 in excess of 10 miles
 200 per hour over the restrictive speed limit which occurs within 30

201 minutes after the end of a regularly scheduled school session.

202
 203 Such violation must be evidenced by a speed detection system.
 204 This subsection does not prohibit a review of information from a
 205 speed detection system by an authorized employee or agent of a
 206 county or municipality before issuance of the traffic citation
 207 by the traffic infraction enforcement officer. This subsection
 208 does not prohibit a county or municipality from issuing
 209 notifications as provided in subsection (2) to the registered
 210 owner of the motor vehicle in violation of s. 316.1895 or s.
 211 316.183.

212 (2) Within 30 days after a violation, notification must be
 213 sent to the registered owner of the motor vehicle involved in
 214 the violation specifying the remedies available under s. 318.14
 215 and that the violator must pay the penalty under s. 318.18(3)(d)
 216 to the county or municipality, or furnish an affidavit in
 217 accordance with subsection (8), within 30 days after the date of
 218 the notification of violation in order to avoid court fees,
 219 costs, and the issuance of a traffic citation. The notification
 220 of violation must:

- 221 (a) Be sent by first-class mail.
- 222 (b) Include a photograph or other recorded image showing
 223 the license plate of the motor vehicle; the date, time, and
 224 location of the violation; the maximum speed at which the motor
 225 vehicle was traveling within the school zone; and the

226 restrictive or posted speed limit within the school zone at the
227 time of the violation.

228 (c) Include a notice that the owner has the right to
229 review, in person or remotely, the photograph or video captured
230 by the speed detection system and the evidence of the speed of
231 the motor vehicle detected by the speed detection system which
232 constitute a rebuttable presumption against the owner of the
233 motor vehicle.

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

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

251 (4) If the registered owner or co-owner of the motor
252 vehicle; the person designated as having care, custody, or
253 control of the motor vehicle at the time of the violation; or an
254 authorized representative of the owner, co-owner, or designated
255 person initiates a proceeding to challenge the violation, such
256 person waives any challenge or dispute as to the delivery of the
257 notification of violation.

258 (5) Penalties assessed and collected by the county or
259 municipality authorized to collect the funds provided for in
260 this section, less the amount retained by the county or
261 municipality pursuant to paragraph (b) and paragraph (e) and the
262 amount remitted to the public school district pursuant to
263 paragraph (d), shall be paid to the Department of Revenue
264 weekly. Such payment must be made by means of electronic funds
265 transfer. In addition to the payment, a detailed summary of the
266 penalties remitted shall be reported to the Department of
267 Revenue. Penalties to be assessed and collected by the county or
268 municipality as established in s. 318.18(3)(d) shall be remitted
269 as follows:

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

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

275 (c) Three dollars shall be remitted to the Department of

276 Revenue for deposit into the Department of Law Enforcement
 277 Criminal Justice Standards and Training Trust Fund.

278 (d) Twelve dollars shall be remitted to the public school
 279 district in which the violation occurred and shall be used for
 280 school security initiatives, for student transportation, or to
 281 improve the safety of student walking conditions. Funds remitted
 282 under this paragraph shall be shared with charter schools in the
 283 district based on each charter school's proportionate share of
 284 the district's total unweighted full-time equivalent student
 285 enrollment and shall be used for school security initiatives or
 286 to improve the safety of student walking conditions.

287 (e) Five dollars shall be retained by the county or
 288 municipality for the School Crossing Guard Recruitment and
 289 Retention Program pursuant to s. 316.1894.

290 (6) A traffic citation shall be issued by mailing the
 291 traffic citation by certified mail to the address of the
 292 registered owner of the motor vehicle involved in the violation
 293 if payment has not been made within 30 days after notification
 294 under subsection (2), if the registered owner has not requested
 295 a hearing as authorized under subsection (3), or if the
 296 registered owner has not submitted an affidavit in accordance
 297 with subsection (8).

298 (a) Delivery of the traffic citation constitutes
 299 notification under this subsection. If the registered owner or
 300 co-owner of the motor vehicle; the person designated as having

301 care, custody, or control of the motor vehicle at the time of
302 the violation; or a duly authorized representative of the owner,
303 co-owner, or designated person initiates a proceeding to
304 challenge the citation pursuant to this section, such person
305 waives any challenge or dispute as to the delivery of the
306 traffic citation.

307 (b) In the case of joint ownership of a motor vehicle, the
308 traffic citation shall be mailed to the first name appearing on
309 the motor vehicle registration, unless the first name appearing
310 on the registration is a business organization, in which case
311 the second name appearing on the registration may be used.

312 (c) The notification to the registered owner of the motor
313 vehicle involved in the infraction must:

314 1. Include a photograph or other recorded image showing
315 the license plate of the motor vehicle; the date, time, and
316 location of the violation; the maximum speed at which the motor
317 vehicle was traveling within the school zone; and the
318 restrictive or posted speed limit within the school zone at the
319 time of the violation.

320 2. Include a notice that the owner has a right to review,
321 in person or remotely, the photograph or video captured by the
322 speed detection system and the evidence of the speed of the
323 motor vehicle detected by the speed detection system which
324 constitute a rebuttable presumption against the owner of the
325 motor vehicle.

326 3. State the time when, and the place or website at which,
327 the photograph or video captured and evidence of speed detected
328 may be examined and observed.

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

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

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

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

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

349 (a) An affidavit supporting an exemption under paragraph
350 (7)(a) must include the name, address, date of birth, and, if

351 known, the driver license number of the person who leased,
352 rented, or otherwise had care, custody, or control of the motor
353 vehicle at the time of the alleged violation. If the motor
354 vehicle was stolen at the time of the alleged violation, the
355 affidavit must include the police report indicating that the
356 motor vehicle was stolen.

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

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

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

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

374 3. A copy of the police report showing that the deceased
375 owner's registered license plate or motor vehicle was stolen

376 after his or her death but on or before the date of the alleged
377 violation.

378
379 Upon receipt of the affidavit and documentation required under
380 this paragraph, the governmental entity must dismiss the
381 citation and provide proof of such dismissal to the person who
382 submitted the affidavit.

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

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

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

404 (12) The photograph or video captured by a speed detection
 405 system and the evidence of the speed of the motor vehicle
 406 detected by a speed detection system which are attached to or
 407 referenced in the traffic citation are evidence of a violation
 408 of s. 316.1895 or s. 316.183 and are admissible in any
 409 proceeding to enforce this section. The photograph or video and
 410 the evidence of speed detected raise a rebuttable presumption
 411 that the motor vehicle named in the report or shown in the
 412 photograph or video was used in violation of s. 316.1895 or s.
 413 316.183.

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

418 (14) A hearing under this section shall be conducted under
 419 the procedures established by s. 316.0083(5) and as follows:

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

424 (b) A county or municipality electing to authorize traffic
 425 infraction enforcement officers to issue traffic citations under

426 subsection (6) shall designate by resolution existing staff to
427 serve as the clerk to the local hearing officer.

428 (c) A person, herein referred to as the "petitioner," who
429 elects to request a hearing under subsection (3) shall be
430 scheduled for a hearing by the clerk to the local hearing
431 officer. The clerk must furnish the petitioner with notice to be
432 sent by first-class mail. Upon receipt of the notice, the
433 petitioner may reschedule the hearing once by submitting a
434 written request to reschedule to the clerk to the local hearing
435 officer at least 5 calendar days before the day of the
436 originally scheduled hearing. The petitioner may cancel his or
437 her appearance before the local hearing officer by paying the
438 penalty assessed under subsection (2), plus the administrative
439 costs established in s. 316.0083(5)(c), before the start of the
440 hearing.

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

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

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

464 Section 6. Paragraph (d) of subsection (1) of section
 465 316.1906, Florida Statutes, is amended, and subsection (3) is
 466 added to that section, to read:

467 316.1906 Radar speed-measuring devices; speed detection
 468 systems; evidence, admissibility.-

469 (1) DEFINITIONS.-

470 (d) "Officer" means any:

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

476 the penal, criminal, traffic, or highway laws of the state;

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

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

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

495 (3) A speed detection system is exempt from the design
496 requirements for radar units established by the department. A
497 speed detection system must have the ability to perform self-
498 tests as to its detection accuracy. The system must perform a
499 self-test at least once every 30 days. The law enforcement
500 agency, or an agent acting on behalf of the law enforcement

501 agency, operating a speed detection system shall maintain a log
502 of the results of the system's self-tests. The law enforcement
503 agency, or an agent acting on behalf of the law enforcement
504 agency, operating a speed detection system shall also perform an
505 independent calibration test on the speed detection system at
506 least once every 12 months. The self-test logs, as well as the
507 results of the annual calibration test, are admissible in any
508 court proceeding for a traffic citation issued for a violation
509 of s. 316.1895 or s. 316.183 enforced pursuant to s. 316.1896.
510 Notwithstanding subsection (2), evidence of the speed of a motor
511 vehicle detected by a speed detection system compliant with this
512 subsection and the determination by a traffic enforcement
513 officer that a motor vehicle is operating in excess of the
514 applicable speed limit shall be admissible in any proceeding
515 with respect to an alleged violation of law regulating the speed
516 of motor vehicles.

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

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

524 (3)

525 (d) Notwithstanding paragraphs (b) and (c), a person cited

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526 for exceeding the speed limit in force at the time of the
527 violation on a roadway maintained as a school zone as provided
528 in s. 316.1895, when enforced by a traffic infraction
529 enforcement officer pursuant to s. 316.1896, shall pay a fine of
530 \$100.

531 Section 8. Paragraph (d) of subsection (3) of section
532 322.27, Florida Statutes, is amended to read:

533 322.27 Authority of department to suspend or revoke driver
534 license or identification card.—

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

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

550 1. Reckless driving, willful and wanton—4 points.

- 551 2. Leaving the scene of a crash resulting in property
 552 damage of more than \$50—6 points.
- 553 3. Unlawful speed, or unlawful use of a wireless
 554 communications device, resulting in a crash—6 points.
- 555 4. Passing a stopped school bus:
- 556 a. Not causing or resulting in serious bodily injury to or
 557 death of another—4 points.
- 558 b. Causing or resulting in serious bodily injury to or
 559 death of another—6 points.
- 560 5. Unlawful speed:
- 561 a. Not in excess of 15 miles per hour of lawful or posted
 562 speed—3 points.
- 563 b. In excess of 15 miles per hour of lawful or posted
 564 speed—4 points.
- 565 c. No points shall be imposed for a violation of unlawful
 566 speed as provided in s. 316.1895 or s. 316.183 when enforced by
 567 a traffic infraction enforcement officer pursuant to s.
 568 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
 569 when enforced by a traffic infraction enforcement officer
 570 pursuant to s. 316.1896 may not be used for purposes of setting
 571 motor vehicle insurance rates.
- 572 6. A violation of a traffic control signal device as
 573 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 574 However, no points shall be imposed for a violation of s.
 575 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to

576 stop at a traffic signal and when enforced by a traffic
 577 infraction enforcement officer. In addition, a violation of s.
 578 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 579 stop at a traffic signal and when enforced by a traffic
 580 infraction enforcement officer may not be used for purposes of
 581 setting motor vehicle insurance rates.

582 7. All other moving violations (including parking on a
 583 highway outside the limits of a municipality)—3 points. However,
 584 no points shall be imposed for a violation of s. 316.0741 or s.
 585 316.2065(11); and points shall be imposed for a violation of s.
 586 316.1001 only when imposed by the court after a hearing pursuant
 587 to s. 318.14(5).

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

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

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

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

597 Section 9. Paragraph (a) of subsection (3) of section
 598 316.306, Florida Statutes, is amended to read:

599 316.306 School and work zones; prohibition on the use of a
 600 wireless communications device in a handheld manner.—

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

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

615 Section 10. Paragraph (a) of subsection (5) of section
616 316.640, Florida Statutes, is amended to read:

617 316.640 Enforcement.—The enforcement of the traffic laws
618 of this state is vested as follows:

619 (5)(a) Any sheriff's department or police department of a
620 municipality may employ, as a traffic infraction enforcement
621 officer, any individual who successfully completes instruction
622 in traffic enforcement procedures and court presentation through
623 the Selective Traffic Enforcement Program as approved by the
624 Division of Criminal Justice Standards and Training of the
625 Department of Law Enforcement, or through a similar program, but

626 | who does not necessarily otherwise meet the uniform minimum
627 | standards established by the Criminal Justice Standards and
628 | Training Commission for law enforcement officers or auxiliary
629 | law enforcement officers under s. 943.13. Any such traffic
630 | infraction enforcement officer who observes the commission of a
631 | traffic infraction or, in the case of a parking infraction, who
632 | observes an illegally parked vehicle may issue a traffic
633 | citation for the infraction when, based upon personal
634 | investigation, he or she has reasonable and probable grounds to
635 | believe that an offense has been committed which constitutes a
636 | noncriminal traffic infraction as defined in s. 318.14. In
637 | addition, any such traffic infraction enforcement officer may
638 | issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
639 | ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
640 | 316.183 ~~s. 316.0083~~, any sheriff's department or police
641 | department of a municipality may designate employees as traffic
642 | infraction enforcement officers. The traffic infraction
643 | enforcement officers must be physically located in the county of
644 | the respective sheriff's or police department.

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

647 | 316.650 Traffic citations.—

648 | (3)(a) Except for a traffic citation issued pursuant to s.
649 | 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
650 | enforcement officer, upon issuing a traffic citation to an

651 | alleged violator of any provision of the motor vehicle laws of
652 | this state or of any traffic ordinance of any municipality or
653 | town, shall deposit the original traffic citation or, in the
654 | case of a traffic enforcement agency that has an automated
655 | citation issuance system, the chief administrative officer shall
656 | provide by an electronic transmission a replica of the citation
657 | data to a court having jurisdiction over the alleged offense or
658 | with its traffic violations bureau within 5 days after issuance
659 | to the violator.

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

670 | Section 12. Subsection (2) of section 318.14, Florida
671 | Statutes, is amended to read:

672 | 318.14 Noncriminal traffic infractions; exception;
673 | procedures.—

674 | (2) Except as provided in ss. 316.1001(2) , and 316.0083,
675 | and 316.1896, any person cited for a violation requiring a

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

687 Section 13. Subsections (4), (5), and (15) of section
688 318.21, Florida Statutes, are amended to read:

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

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

699 (5) Of the additional fine assessed under s. 318.18(3)(g)
700 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent

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701 must be remitted to the Department of Revenue for deposit in the
702 Grants and Donations Trust Fund of the Division of Vocational
703 Rehabilitation of the Department of Education, and 40 percent
704 must be distributed pursuant to subsections (1) and (2).

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

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

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

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726 discharge data collected pursuant to s. 408.061.

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

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

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

737 Section 15. This act shall take effect upon becoming a
738 law.