

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 and
4 providing definitions; 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 school zone speed detection system program to conduct
20 a public awareness campaign before commencing
21 enforcement using such system; limiting penalties in
22 effect during the public awareness campaign; providing
23 construction; creating s. 316.1894, F.S.; requiring a
24 law enforcement agency with jurisdiction over a county
25 or municipality conducting a school zone speed

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

51 requirements for such affidavit and procedures
52 relating thereto; providing a criminal penalty for
53 submitting a false affidavit; providing that certain
54 photographs or video and evidence of speed are
55 admissible in certain proceedings; providing a
56 rebuttable presumption; providing construction;
57 providing requirements and procedures for hearings;
58 specifying requirements of and prohibitions on the use
59 of recorded video and photographs captured by a speed
60 detection system; requiring municipalities and
61 counties to submit a report to the Department of
62 Highway Safety and Motor Vehicles in a form and manner
63 specified by the department; requiring counties and
64 municipalities to retain certain records for a
65 specified period; requiring the department to submit a
66 summary report to the Governor and Legislature;
67 amending s. 316.1906, F.S.; revising the definition of
68 the term "officer"; providing self-test requirements
69 for speed detection systems; requiring a law
70 enforcement agency operating a speed detection system
71 to maintain a log of results of the system's self-
72 tests and to perform independent calibration tests of
73 such systems; providing for the admissibility of
74 certain evidence in certain proceedings; amending s.
75 318.18, F.S.; providing a civil penalty for a speed

76 limit violation in a school zone; providing for
 77 distribution thereof; providing conditions under which
 78 a case may be dismissed; amending s. 322.27, F.S.;
 79 prohibiting points from being imposed against a driver
 80 license for certain infractions enforced by a traffic
 81 infraction enforcement officer; prohibiting such
 82 infractions from being used to set motor vehicle
 83 insurance rates; amending ss. 316.306, 316.640,
 84 318.14, 318.21, and 655.960, F.S.; conforming cross-
 85 references and provisions to changes made by the act;
 86 amending s. 316.650, F.S.; revising the period during
 87 which certain traffic citation data must be provided
 88 to a court having jurisdiction over the alleged
 89 offense; providing an effective date.

90

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

92

93 Section 1. Subsections (82) through (109) of section
 94 316.003, Florida Statutes, are renumbered as subsections (83)
 95 through (110), respectively, subsections (38) and (64) are
 96 amended, and a new subsection (82) is added to that section, to
 97 read:

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

101 otherwise requires:

102 (38) LOCAL HEARING OFFICER.—The person, designated by a
 103 department, county, or municipality that elects to authorize
 104 traffic infraction enforcement officers to issue traffic
 105 citations under ss. 316.0083(1)(a) and 316.1896(1) ~~s.~~
 106 ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to
 107 a notice of violation issued pursuant to s. 316.0083 or s.
 108 316.1896. The charter county, noncharter county, or municipality
 109 may use its currently appointed code enforcement board or
 110 special magistrate to serve as the local hearing officer. The
 111 department may enter into an interlocal agreement to use the
 112 local hearing officer of a county or municipality.

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

118 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
 119 system used to detect a motor vehicle's speed using radar or
 120 LiDAR and to capture a photograph or video of the rear of a
 121 motor vehicle that exceeds the speed limit in force at the time
 122 of the violation.

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

125 316.008 Powers of local authorities.—

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

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

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

133 3. During the entirety of a regularly scheduled school
 134 session; and

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

137
 138 through the use of a speed detection system for the detection of
 139 speed and capturing of photographs or videos for violations in
 140 excess of 10 miles per hour over the speed limit in force at the
 141 time of the violation. A school zone's compliance with s.
 142 316.1895 creates a rebuttable presumption that the school zone
 143 is properly maintained.

144 (b) A county or municipality may place or install, or
 145 contract with a vendor to place or install, a speed detection
 146 system within a roadway maintained as a school zone as provided
 147 in s. 316.1895 to enforce unlawful speed violations, as
 148 specified in s. 316.1895(10) or s. 316.183, on that roadway.

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

151 316.0776 Traffic infraction detectors; speed detection
152 systems; placement and installation.—

153 (3) A speed detection system authorized by s. 316.008(9)
154 may be placed or installed in a school zone on a state road when
155 permitted by the Department of Transportation and in accordance
156 with placement and installation specifications developed by the
157 Department of Transportation. The speed detection system may be
158 placed or installed in a school zone on a street or highway
159 under the jurisdiction of a county or a municipality in
160 accordance with placement and installation specifications
161 established by the Department of Transportation. The Department
162 of Transportation must establish such placement and installation
163 specifications by August 1, 2023.

164 (a) If a county or municipality places or installs a speed
165 detection system as authorized by s. 316.008(9), the county or
166 municipality must notify the public that a speed detection
167 system may be in use by posting signage indicating photographic
168 or video enforcement of the school zone speed limits. Such
169 signage shall clearly designate the time period during which the
170 school zone speed limits are enforced using a speed detection
171 system and must meet the placement and installation
172 specifications established by the Department of Transportation.
173 For a speed detection system enforcing violations of s. 316.1895
174 or s. 316.183 on a roadway maintained as a school zone, this
175 paragraph governs the signage notifying the public of the use of

176 | a speed detection system.

177 | (b) If a county or municipality begins a school zone speed
 178 | detection system program in a county or municipality that has
 179 | never conducted such a program, the respective county or
 180 | municipality must make a public announcement and conduct a
 181 | public awareness campaign of the proposed use of speed detection
 182 | systems at least 30 days before commencing enforcement under the
 183 | speed detection system program and must notify the public of the
 184 | specific date on which the program will commence. During the 30-
 185 | day public awareness campaign, only a warning may be issued to
 186 | the registered owner of a motor vehicle for a violation of s.
 187 | 316.1895 or s. 316.183 enforced by a speed detection system, and
 188 | liability may not be imposed for the civil penalty under s.
 189 | 318.18(3) (d) .

190 | Section 4. Section 316.1894, Florida Statutes, is created
 191 | to read:

192 | 316.1894 School Crossing Guard Recruitment and Retention
 193 | Program.—The law enforcement agency having jurisdiction over a
 194 | county or municipality conducting a school zone speed detection
 195 | system program authorized by s. 316.008(9) must use funds
 196 | generated pursuant to s. 316.1896(5)(e) from the school zone
 197 | speed detection system program to administer the School Crossing
 198 | Guard Recruitment and Retention Program. Such program may
 199 | provide recruitment and retention stipends to crossing guards at
 200 | K-12 public schools, including charter schools, or stipends to

201 third parties for the recruitment of new crossing guards. The
202 School Crossing Guard Recruitment and Retention Program must be
203 designed and managed at the discretion of the law enforcement
204 agency.

205 Section 5. Section 316.1896, Florida Statutes, is created
206 to read:

207 316.1896 Roadways maintained as school zones; speed
208 detection system enforcement; penalties; appeal procedure;
209 privacy; reports.—

210 (1) For purposes of administering this section, a county
211 or municipality may authorize a traffic infraction enforcement
212 officer under s. 316.640 to issue uniform traffic citations for
213 violations of ss. 316.1895 and 316.183 as authorized by s.
214 316.008(9), as follows:

215 (a) For a violation of s. 316.1895 in excess of 10 miles
216 per hour over the school zone speed limit which occurs within 30
217 minutes before through 30 minutes after the start of a regularly
218 scheduled breakfast program.

219 (b) For a violation of s. 316.1895 in excess of 10 miles
220 per hour over the school zone speed limit which occurs within 30
221 minutes before through 30 minutes after the start of a regularly
222 scheduled school session.

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

226 (d) For a violation of s. 316.1895 in excess of 10 miles
 227 per hour over the school zone speed limit which occurs within 30
 228 minutes before through 30 minutes after the end of a regularly
 229 scheduled school session.

230
 231 Such violation must be evidenced by a speed detection system
 232 described in ss. 316.008(9) and 316.0776(3). This subsection
 233 does not prohibit a review of information from a speed detection
 234 system by an authorized employee or agent of a county or
 235 municipality before issuance of the uniform traffic citation by
 236 the traffic infraction enforcement officer. This subsection does
 237 not prohibit a county or municipality from issuing notices as
 238 provided in subsection (2) to the registered owner of the motor
 239 vehicle for a violation of s. 316.1895 or s. 316.183.

240 (2) Within 30 days after a violation, notice must be sent
 241 to the registered owner of the motor vehicle involved in the
 242 violation specifying the remedies available under s. 318.14 and
 243 that the violator must pay the penalty under s. 318.18(3)(d) to
 244 the county or municipality, or furnish an affidavit in
 245 accordance with subsection (8), within 30 days after the date of
 246 the notice of violation in order to avoid court fees, costs, and
 247 the issuance of a uniform traffic citation. The notice of
 248 violation must:

- 249 (a) Be sent by first-class mail.
- 250 (b) Include a photograph or other recorded image showing

251 the license plate of the motor vehicle; the date, time, and
252 location of the violation; the maximum speed at which the motor
253 vehicle was traveling within the school zone; and the speed
254 limit within the school zone at the time of the violation.

255 (c) Include a notice that the owner has the right to
256 review, in person or remotely, the photograph or video captured
257 by the speed detection system and the evidence of the speed of
258 the motor vehicle detected by the speed detection system which
259 constitute a rebuttable presumption that the motor vehicle was
260 used in violation of s. 316.1895 or s. 316.183.

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

264 (3) Notwithstanding any other law, a person who receives a
265 notice of violation under this section may request a hearing
266 within 30 days after the notice of violation or may pay the
267 penalty pursuant to the notice of violation, but a payment or
268 fee may not be required before the hearing requested by the
269 person. The notice of violation must be accompanied by, or
270 direct the person to a website that provides, information on the
271 person's right to request a hearing and on all costs related
272 thereto and a form used for requesting a hearing. As used in
273 this subsection, the term "person" includes a natural person,
274 the registered owner or co-owner of a motor vehicle, or the
275 person identified in an affidavit as having actual care,

276 custody, or control of the motor vehicle at the time of the
 277 violation.

278 (4) If the registered owner or co-owner of the motor
 279 vehicle; the person identified as having care, custody, or
 280 control of the motor vehicle at the time of the violation; or an
 281 authorized representative of the owner, co-owner, or identified
 282 person initiates a proceeding to challenge the violation, such
 283 person waives any challenge or dispute as to the delivery of the
 284 notice of violation.

285 (5) Penalties assessed and collected by the county or
 286 municipality authorized to collect the funds provided for in
 287 this section, less the amount retained by the county or
 288 municipality pursuant to paragraph (b) and paragraph (e) and the
 289 amount remitted to the county school district pursuant to
 290 paragraph (d), must be paid to the Department of Revenue weekly.
 291 Such payment must be made by means of electronic funds transfer.
 292 In addition to the payment, a detailed summary of the penalties
 293 remitted must be reported to the Department of Revenue.
 294 Penalties to be assessed and collected by the county or
 295 municipality as established in s. 318.18(3)(d) must be remitted
 296 as follows:

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

299 (b) Sixty dollars must be retained by the county or
 300 municipality and must be used to administer speed detection

301 systems in school zones and other public safety initiatives.

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

305 (d) Twelve dollars must be remitted to the county school
306 district in which the violation occurred and must be used for
307 school security initiatives, for student transportation, or to
308 improve the safety of student walking conditions. Funds remitted
309 under this paragraph must be shared with charter schools in the
310 district based on each charter school's proportionate share of
311 the district's total unweighted full-time equivalent student
312 enrollment and must be used for school security initiatives or
313 to improve the safety of student walking conditions.

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

317 (6) A uniform traffic citation must be issued by mailing
318 the uniform traffic citation by certified mail to the address of
319 the registered owner of the motor vehicle involved in the
320 violation if payment has not been made within 30 days after
321 notification under subsection (2), if the registered owner has
322 not requested a hearing as authorized under subsection (3), and
323 if the registered owner has not submitted an affidavit in
324 accordance with subsection (8).

325 (a) Delivery of the uniform traffic citation constitutes

326 notification of a violation under this subsection. If the
327 registered owner or co-owner of the motor vehicle; the person
328 identified as having care, custody, or control of the motor
329 vehicle at the time of the violation; or a duly authorized
330 representative of the owner, co-owner, or identified person
331 initiates a proceeding to challenge the citation pursuant to
332 this section, such person waives any challenge or dispute as to
333 the delivery of the uniform traffic citation.

334 (b) In the case of joint ownership of a motor vehicle, the
335 uniform traffic citation must be mailed to the first name
336 appearing on the motor vehicle registration, unless the first
337 name appearing on the registration is a business organization,
338 in which case the second name appearing on the registration may
339 be used.

340 (c) The uniform traffic citation mailed to the registered
341 owner of the motor vehicle involved in the infraction must be
342 accompanied by the information described in paragraphs (2) (b),
343 (2) (c), and (2) (d).

344 (7) The registered owner of the motor vehicle involved in
345 the violation is responsible and liable for paying the uniform
346 traffic citation issued for a violation of s. 316.1895 or s.
347 316.183 unless the owner can establish that:

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

350 (b) A uniform traffic citation was issued by law

351 enforcement to the driver of the motor vehicle for the alleged
352 violation of s. 316.1895 or s. 316.183; or

353 (c) The motor vehicle's owner was deceased on or before
354 the date of the alleged violation, as established by an
355 affidavit submitted by the representative of the motor vehicle
356 owner's estate or other identified person or family member.

357 (8) To establish such facts under subsection (7), the
358 registered owner of the motor vehicle must, within 30 days after
359 the date of issuance of the notice of violation or the uniform
360 traffic citation, furnish to the appropriate governmental entity
361 an affidavit setting forth information supporting an exception
362 under subsection (7).

363 (a) An affidavit supporting the exception under paragraph
364 (7)(a) must include the name, address, date of birth, and, if
365 known, the driver license number of the person who leased,
366 rented, or otherwise had care, custody, or control of the motor
367 vehicle at the time of the alleged violation. If the motor
368 vehicle was stolen at the time of the alleged violation, the
369 affidavit must include the police report indicating that the
370 motor vehicle was stolen.

371 (b) If a uniform traffic citation for a violation of s.
372 316.1895 or s. 316.183 was issued at the location of the
373 violation by a law enforcement officer, the affidavit must
374 include the serial number of the uniform traffic citation.

375 (c) If the motor vehicle's owner to whom a notice of

376 violation or a uniform traffic citation has been issued is
377 deceased, the affidavit must include a certified copy of the
378 owner's death certificate showing that the date of death
379 occurred on or before the date of the alleged violation and one
380 of the following:

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

384 2. Documented proof that the registered license plate
385 belonging to the deceased owner's motor vehicle was returned to
386 the department or any branch office or authorized agent of the
387 department after his or her death but on or before the date of
388 the alleged violation.

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

393
394 Upon receipt of the affidavit and documentation required under
395 paragraphs (b) and (c), or 30 days after the date of issuance of
396 a notice of violation sent to a person identified as having
397 care, custody, or control of the motor vehicle at the time of
398 the violation under paragraph (a), the county or municipality
399 must dismiss the notice or citation and provide proof of such
400 dismissal to the person who submitted the affidavit. If, within

401 30 days after the date of a notice of violation sent to a person
402 under subsection (9), the county or municipality receives an
403 affidavit under subsection (10) from the person sent a notice of
404 violation affirming that the person did not have care, custody,
405 or control of the motor vehicle at the time of the violation,
406 the county or municipality must notify the registered owner that
407 the notice or citation will not be dismissed due to failure to
408 establish that another person had care, custody, or control of
409 the motor vehicle at the time of the violation.

410 (9) Upon receipt of an affidavit under paragraph (8) (a),
411 the county or municipality may issue the person identified as
412 having care, custody, or control of the motor vehicle at the
413 time of the violation a notice of violation pursuant to
414 subsection (2) for a violation of s. 316.1895 or s. 316.183. The
415 affidavit is admissible in a proceeding pursuant to this section
416 for the purpose of providing evidence that the person identified
417 in the affidavit was in actual care, custody, or control of the
418 motor vehicle. The owner of a leased motor vehicle for which a
419 uniform traffic citation is issued for a violation of s.
420 316.1895 or s. 316.183 is not responsible for paying the uniform
421 traffic citation and is not required to submit an affidavit as
422 specified in subsection (8) if the motor vehicle involved in the
423 violation is registered in the name of the lessee of such motor
424 vehicle.

425 (10) If a county or municipality receives an affidavit

426 under paragraph (8)(a), the notice of violation required under
427 subsection (2) must be sent to the person identified in the
428 affidavit within 30 days after receipt of the affidavit. The
429 person identified in an affidavit and sent a notice of violation
430 may also affirm that he or she did not have care, custody, or
431 control of the motor vehicle at the time of the violation by
432 furnishing to the appropriate governmental entity within 30 days
433 after the date of the notice of violation an affidavit stating
434 such.

435 (11) The submission of a false affidavit is a misdemeanor
436 of the second degree, punishable as provided in s. 775.082 or s.
437 775.083.

438 (12) The photograph or video captured by a speed detection
439 system and the evidence of the speed of the motor vehicle
440 detected by a speed detection system which are attached to or
441 referenced in the uniform traffic citation are evidence of a
442 violation of s. 316.1895 or s. 316.183 and are admissible in any
443 proceeding to enforce this section. The photograph or video and
444 the evidence of speed detected raise a rebuttable presumption
445 that the motor vehicle named in the report or shown in the
446 photograph or video was used in violation of s. 316.1895 or s.
447 316.183.

448 (13) This section supplements the enforcement of ss.
449 316.1895 and 316.183 by a law enforcement officer and does not
450 prohibit a law enforcement officer from issuing a uniform

451 traffic citation for a violation of s. 316.1895 or s. 316.183.

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

454 (a) The department must publish and make available
 455 electronically to each county and municipality a model request
 456 for hearing form to assist each county or municipality
 457 administering this section.

458 (b) A county or municipality electing to authorize traffic
 459 infraction enforcement officers to issue uniform traffic
 460 citations under subsection (6) must designate by resolution
 461 existing staff to serve as the clerk to the local hearing
 462 officer.

463 (c) A person, referred to in this subsection as the
 464 "petitioner," who elects to request a hearing under subsection
 465 (3) must be scheduled for a hearing by the clerk to the local
 466 hearing officer. The clerk must furnish the petitioner with
 467 notice sent by first-class mail. Upon receipt of the notice, the
 468 petitioner may reschedule the hearing up to two times by
 469 submitting a written request to reschedule to the clerk at least
 470 5 calendar days before the day of the scheduled hearing. The
 471 petitioner may cancel his or her appearance before the local
 472 hearing officer by paying the penalty assessed under subsection
 473 (2), plus the administrative costs established in s.
 474 316.0083(5) (c), before the start of the hearing.

475 (d) All testimony at the hearing must be under oath and

476 must be recorded. The local hearing officer must take testimony
477 from a traffic infraction enforcement officer and the petitioner
478 and may take testimony from others. The local hearing officer
479 must review the photograph or video captured by the speed
480 detection system and the evidence of the speed of the motor
481 vehicle detected by the speed detection system made available
482 under paragraph (2)(b). Formal rules of evidence do not apply,
483 but due process must be observed and govern the proceedings.

484 (e) At the conclusion of the hearing, the local hearing
485 officer must determine whether a violation under this section
486 occurred and must uphold or dismiss the violation. The local
487 hearing officer must issue a final administrative order
488 including the determination and, if the notice of violation is
489 upheld, must require the petitioner to pay the penalty
490 previously assessed under subsection (2), and may also require
491 the petitioner to pay county or municipal costs not to exceed
492 the amount established in s. 316.0083(5)(e). The final
493 administrative order must be mailed to the petitioner by first-
494 class mail.

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

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

500 2. Recorded video or photographs collected as part of a

501 speed detection system in a school zone may only be used to
 502 document violations of ss. 316.1895 and 316.183 and for purposes
 503 of determining criminal or civil liability.

504 (b) Any recorded video or photograph obtained through the
 505 use of a speed detection system must be destroyed within 90 days
 506 after the final disposition of the recorded event. The vendor of
 507 a speed detection system must provide the county or municipality
 508 with written notice by December 31 of each year that such
 509 records have been destroyed in accordance with this subsection.

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

515 (16) (a) Each county or municipality that operates a speed
 516 detection system in a school zone must submit a report by
 517 October 1, 2023, and quarterly thereafter, to the department
 518 which details the results of the speed detection system in the
 519 school zone and the procedures for enforcement in the preceding
 520 quarter. The information from counties and municipalities must
 521 be submitted in a form and manner determined by the department,
 522 which the department must make available to the counties and
 523 municipalities by August 1, 2023, and must include at least the
 524 following:

525 1. Information related to the location of each speed

526 detection system, including the geocoordinates of the school
527 zone, the directional approach of the speed detection system,
528 the school name, the school level, the times the speed detection
529 system was active, the restricted school zone speed limit
530 enforced pursuant to s. 316.1895(5), the posted speed limit
531 enforced at times other than those authorized by s. 316.1895(5),
532 the date the systems were activated to enforce violations of ss.
533 316.1895 and 316.183, and, if applicable, the date the systems
534 were deactivated.

535 2. The number of notices of violations issued, the number
536 that were contested, the number that were upheld, the number
537 that were dismissed, the number that were issued as uniform
538 traffic citations, and the number that were paid.

539 3. Any other statistical data and information required by
540 the department to complete the report required under paragraph
541 (c).

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

546 (c) On or before December 31, 2024, and annually
547 thereafter, the department must submit a summary report to the
548 Governor, the President of the Senate, and the Speaker of the
549 House of Representatives regarding the use of speed detection
550 systems under this section, along with the department's

551 recommendations and any recommended legislation. The summary
 552 report must include a review of the information submitted to the
 553 department by the counties and municipalities and must describe
 554 the enhancement of traffic safety and enforcement programs.

555 Section 6. Paragraph (d) of subsection (1) of section
 556 316.1906, Florida Statutes, is amended, and subsection (3) is
 557 added to that section, to read:

558 316.1906 Radar speed-measuring devices; speed detection
 559 systems; evidence, admissibility.—

560 (1) DEFINITIONS.—

561 (d) "Officer" means any:

562 1. "Law enforcement officer" who is elected, appointed, or
 563 employed full time by any municipality or the state or any
 564 political subdivision thereof; who is vested with the authority
 565 to bear arms and make arrests; and whose primary responsibility
 566 is the prevention and detection of crime or the enforcement of
 567 the penal, criminal, traffic, or highway laws of the state;

568 2. "Part-time law enforcement officer" who is employed or
 569 appointed less than full time, as defined by an employing
 570 agency, with or without compensation; who is vested with
 571 authority to bear arms and make arrests; and whose primary
 572 responsibility is the prevention and detection of crime or the
 573 enforcement of the penal, criminal, traffic, or highway laws of
 574 the state; ~~or~~

575 3. "Auxiliary law enforcement officer" who is employed or

576 appointed, with or without compensation; who aids or assists a
577 full-time or part-time law enforcement officer; and who, while
578 under the direct supervision of a full-time or part-time law
579 enforcement officer, has the authority to arrest and perform law
580 enforcement functions; or

581 4. "Traffic infraction enforcement officer" who is
582 employed or appointed, with or without compensation, and
583 satisfies the requirements of s. 316.640(5) and is vested with
584 authority to enforce violations of ss. 316.1895 and 316.183
585 pursuant to s. 316.1896.

586 (3) A speed detection system is exempt from the design
587 requirements for radar or LiDAR units established by the
588 department. A speed detection system must have the ability to
589 perform self-tests as to its detection accuracy. The system must
590 perform a self-test at least once every 30 days. The law
591 enforcement agency, or an agent acting on behalf of the law
592 enforcement agency, operating a speed detection system must
593 maintain a log of the results of the system's self-tests. The
594 law enforcement agency, or an agent acting on behalf of the law
595 enforcement agency, operating a speed detection system must also
596 perform an independent calibration test on the speed detection
597 system at least once every 12 months. The self-test logs, as
598 well as the results of the annual calibration test, are
599 admissible in any court proceeding for a uniform traffic
600 citation issued for a violation of s. 316.1895 or s. 316.183

601 enforced pursuant to s. 316.1896. Notwithstanding subsection
602 (2), evidence of the speed of a motor vehicle detected by a
603 speed detection system compliant with this subsection and the
604 determination by a traffic enforcement officer that a motor
605 vehicle is operating in excess of the applicable speed limit is
606 admissible in any proceeding with respect to an alleged
607 violation of law regulating the speed of motor vehicles in
608 school zones.

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

613 318.18 Amount of penalties.—The penalties required for a
614 noncriminal disposition pursuant to s. 318.14 or a criminal
615 offense listed in s. 318.17 are as follows:

616 (3)

617 (d)1. Notwithstanding paragraphs (b) and (c), a person
618 cited for a violation of s. 316.1895(10) or s. 316.183 for
619 exceeding the speed limit in force at the time of the violation
620 on a roadway maintained as a school zone as provided in s.
621 316.1895, when enforced by a traffic infraction enforcement
622 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
623 collected under this paragraph must be distributed as follows:

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

626 b. Seventy-seven dollars must be distributed to the county
627 for any violations occurring in any unincorporated areas of the
628 county or to the municipality for any violations occurring in
629 the incorporated boundaries of the municipality in which the
630 infraction occurred, to be used as provided in s. 316.1896(5).

631 c. Three dollars must be remitted to the Department of
632 Revenue for deposit into the Department of Law Enforcement
633 Criminal Justice Standards and Training Trust Fund to be used as
634 provided in s. 943.25.

635 2. If a person who is mailed a notice of violation or a
636 uniform traffic citation for a violation of s. 316.1895(10) or
637 s. 316.183, as enforced by a traffic infraction enforcement
638 officer under s. 316.1896, presents documentation from the
639 appropriate governmental entity that the notice of violation or
640 uniform traffic citation was in error, the clerk of court or
641 clerk to the local hearing officer may dismiss the case. The
642 clerk of court or clerk to the local hearing officer may not
643 charge for this service.

644 Section 8. Paragraph (d) of subsection (3) of section
645 322.27, Florida Statutes, is amended to read:

646 322.27 Authority of department to suspend or revoke driver
647 license or identification card.—

648 (3) There is established a point system for evaluation of
649 convictions of violations of motor vehicle laws or ordinances,
650 and violations of applicable provisions of s. 403.413(6) (b) when

651 such violations involve the use of motor vehicles, for the
652 determination of the continuing qualification of any person to
653 operate a motor vehicle. The department is authorized to suspend
654 the license of any person upon showing of its records or other
655 good and sufficient evidence that the licensee has been
656 convicted of violation of motor vehicle laws or ordinances, or
657 applicable provisions of s. 403.413(6)(b), amounting to 12 or
658 more points as determined by the point system. The suspension
659 shall be for a period of not more than 1 year.

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

- 663 1. Reckless driving, willful and wanton—4 points.
- 664 2. Leaving the scene of a crash resulting in property
665 damage of more than \$50—6 points.
- 666 3. Unlawful speed, or unlawful use of a wireless
667 communications device, resulting in a crash—6 points.
- 668 4. Passing a stopped school bus:
 - 669 a. Not causing or resulting in serious bodily injury to or
670 death of another—4 points.
 - 671 b. Causing or resulting in serious bodily injury to or
672 death of another—6 points.
- 673 5. Unlawful speed:
 - 674 a. Not in excess of 15 miles per hour of lawful or posted
675 speed—3 points.

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

678 c. Points may not be imposed for a violation of unlawful
679 speed as provided in s. 316.1895 or s. 316.183 when enforced by
680 a traffic infraction enforcement officer pursuant to s.
681 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
682 when enforced by a traffic infraction enforcement officer
683 pursuant to s. 316.1896 may not be used for purposes of setting
684 motor vehicle insurance rates.

685 6. A violation of a traffic control signal device as
686 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
687 However, no points shall be imposed for a violation of s.
688 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
689 stop at a traffic signal and when enforced by a traffic
690 infraction enforcement officer. In addition, a violation of s.
691 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
692 stop at a traffic signal and when enforced by a traffic
693 infraction enforcement officer may not be used for purposes of
694 setting motor vehicle insurance rates.

695 7. All other moving violations (including parking on a
696 highway outside the limits of a municipality)—3 points. However,
697 no points shall be imposed for a violation of s. 316.0741 or s.
698 316.2065(11); and points shall be imposed for a violation of s.
699 316.1001 only when imposed by the court after a hearing pursuant
700 to s. 318.14(5).

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

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

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

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

710 Section 9. Paragraph (a) of subsection (3) of section
 711 316.306, Florida Statutes, is amended to read:

712 316.306 School and work zones; prohibition on the use of a
 713 wireless communications device in a handheld manner.—

714 (3)(a)1. A person may not operate a motor vehicle while
 715 using a wireless communications device in a handheld manner in a
 716 designated school crossing, school zone, or work zone area as
 717 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
 718 shall only be applicable to work zone areas if construction
 719 personnel are present or are operating equipment on the road or
 720 immediately adjacent to the work zone area. For the purposes of
 721 this paragraph, a motor vehicle that is stationary is not being
 722 operated and is not subject to the prohibition in this
 723 paragraph.

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

726 driving while using a wireless communications device in a
727 handheld manner in violation of subparagraph 1.

728 Section 10. Paragraph (a) of subsection (5) of section
729 316.640, Florida Statutes, is amended to read:

730 316.640 Enforcement.—The enforcement of the traffic laws
731 of this state is vested as follows:

732 (5)(a) Any sheriff's department or police department of a
733 municipality may employ, as a traffic infraction enforcement
734 officer, any individual who successfully completes instruction
735 in traffic enforcement procedures and court presentation through
736 the Selective Traffic Enforcement Program as approved by the
737 Division of Criminal Justice Standards and Training of the
738 Department of Law Enforcement, or through a similar program, but
739 who does not necessarily otherwise meet the uniform minimum
740 standards established by the Criminal Justice Standards and
741 Training Commission for law enforcement officers or auxiliary
742 law enforcement officers under s. 943.13. Any such traffic
743 infraction enforcement officer who observes the commission of a
744 traffic infraction or, in the case of a parking infraction, who
745 observes an illegally parked vehicle may issue a traffic
746 citation for the infraction when, based upon personal
747 investigation, he or she has reasonable and probable grounds to
748 believe that an offense has been committed which constitutes a
749 noncriminal traffic infraction as defined in s. 318.14. In
750 addition, any such traffic infraction enforcement officer may

751 issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
752 ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
753 316.183 ~~s. 316.0083~~, any sheriff's department or police
754 department of a municipality may designate employees as traffic
755 infraction enforcement officers. The traffic infraction
756 enforcement officers must be physically located in the county of
757 the respective sheriff's or police department.

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

760 316.650 Traffic citations.—

761 (3)(a) Except for a traffic citation issued pursuant to s.
762 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
763 enforcement officer, upon issuing a traffic citation to an
764 alleged violator of any provision of the motor vehicle laws of
765 this state or of any traffic ordinance of any municipality or
766 town, shall deposit the original traffic citation or, in the
767 case of a traffic enforcement agency that has an automated
768 citation issuance system, the chief administrative officer shall
769 provide by an electronic transmission a replica of the citation
770 data to a court having jurisdiction over the alleged offense or
771 with its traffic violations bureau within 5 business days after
772 issuance to the violator.

773 (c) If a traffic citation is issued under s. 316.0083 or
774 s. 316.1896, the traffic infraction enforcement officer shall
775 provide by electronic transmission a replica of the traffic

776 citation data to the court having jurisdiction over the alleged
777 offense or its traffic violations bureau within 5 business days
778 after the date of issuance of the traffic citation to the
779 violator. If a hearing is requested, the traffic infraction
780 enforcement officer shall provide a replica of the traffic
781 notice of violation data to the clerk for the local hearing
782 officer having jurisdiction over the alleged offense within 14
783 days.

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

786 318.14 Noncriminal traffic infractions; exception;
787 procedures.—

788 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
789 and 316.1896, any person cited for a violation requiring a
790 mandatory hearing listed in s. 318.19 or any other criminal
791 traffic violation listed in chapter 316 must sign and accept a
792 citation indicating a promise to appear. The officer may
793 indicate on the traffic citation the time and location of the
794 scheduled hearing and must indicate the applicable civil penalty
795 established in s. 318.18. For all other infractions under this
796 section, except for infractions under s. 316.1001, the officer
797 must certify by electronic, electronic facsimile, or written
798 signature that the citation was delivered to the person cited.
799 This certification is prima facie evidence that the person cited
800 was served with the citation.

801 Section 13. Subsections (4), (5), and (15) of section
 802 318.21, Florida Statutes, are amended to read:

803 318.21 Disposition of civil penalties by county courts.-
 804 All civil penalties received by a county court pursuant to the
 805 provisions of this chapter shall be distributed and paid monthly
 806 as follows:

807 (4) Of the additional fine assessed under s. 318.18(3)(g)
 808 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
 809 be remitted to the Department of Revenue for deposit in the
 810 Grants and Donations Trust Fund of the Division of Blind
 811 Services of the Department of Education, and 60 percent must be
 812 distributed pursuant to subsections (1) and (2).

813 (5) Of the additional fine assessed under s. 318.18(3)(g)
 814 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
 815 must be remitted to the Department of Revenue for deposit in the
 816 Grants and Donations Trust Fund of the Division of Vocational
 817 Rehabilitation of the Department of Education, and 40 percent
 818 must be distributed pursuant to subsections (1) and (2).

819 (15) Of the additional fine assessed under s. 318.18(3)(f)
 820 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
 821 the moneys received from the fines shall be appropriated to the
 822 Agency for Health Care Administration as general revenue to
 823 provide an enhanced Medicaid payment to nursing homes that serve
 824 Medicaid recipients with brain and spinal cord injuries. The
 825 remaining 50 percent of the moneys received from the enhanced

826 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
827 remitted to the Department of Revenue and deposited into the
828 Department of Health Emergency Medical Services Trust Fund to
829 provide financial support to certified trauma centers in the
830 counties where enhanced penalty zones are established to ensure
831 the availability and accessibility of trauma services. Funds
832 deposited into the Emergency Medical Services Trust Fund under
833 this subsection shall be allocated as follows:

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

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

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

843 655.960 Definitions; ss. 655.960-655.965.—As used in this
844 section and ss. 655.961-655.965, unless the context otherwise
845 requires:

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

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