

1 A bill to be entitled
2 An act relating to traffic infraction enforcement;
3 amending s. 316.003, F.S.; revising the definition of
4 the term "local hearing officer"; defining the term
5 "railroad traffic infraction detector"; amending s.
6 316.008, F.S.; authorizing a county or municipality to
7 enforce the applicable law at a railroad-highway grade
8 crossing; authorizing a county or municipality to
9 install, or contract with a vendor to install, a
10 railroad traffic infraction detector at a railroad-
11 highway grade crossing under certain circumstances;
12 requiring a county or municipality to enact an
13 ordinance to authorize placement or installation of a
14 railroad traffic infraction detector; requiring the
15 county or municipality to consider certain evidence
16 and make a certain determination at a public hearing;
17 amending s. 316.0776, F.S.; authorizing railroad
18 traffic infraction detectors on railroad-highway grade
19 crossings under certain circumstances; requiring
20 certain notice to the public upon installation of a
21 railroad traffic infraction detector; providing
22 signage requirements; specifying locations where
23 railroad traffic infraction detectors may be
24 installed; requiring the Department of Transportation
25 to establish certain specifications by a specified

26 | date; amending s. 316.640, F.S.; authorizing the
27 | department to designate employees as traffic
28 | infraction enforcement officers for a specified
29 | purpose; amending s. 318.18, F.S.; providing a civil
30 | penalty for a speed limit violation in a work zone
31 | area; providing for distribution thereof; providing
32 | conditions under which a case may be dismissed;
33 | amending s. 318.21; conforming cross-references;
34 | creating s. 335.21; defining the term "work zone
35 | area"; authorizing the department to enforce the speed
36 | limit in a work zone area through the use of a speed
37 | detection system; authorizing the department to
38 | install, or contract with a vendor to install, a speed
39 | detection system in a work zone area; requiring the
40 | department to establish certain specifications by a
41 | specified date; requiring certain notice to the public
42 | upon installation of a speed detection system;
43 | providing signage requirements; requiring the
44 | department to maintain a certain website; requiring
45 | the department to conduct a public awareness campaign
46 | before commencing enforcement using the speed
47 | detection system; limiting penalties in effect during
48 | the public awareness campaign; creating s. 335.211;
49 | authorizing the department to authorize a traffic
50 | infraction enforcement officer to issue uniform

51 traffic citations for certain violations; providing
52 construction; providing notice requirements and
53 procedures; authorizing a person who receives a notice
54 of violation to request a hearing within a specified
55 timeframe; defining the term "person"; providing for
56 waiver of challenge or dispute as to the delivery of
57 the notice of violation; requiring the Department of
58 Transportation to remit certain funds to the
59 Department of Revenue; providing for the distribution
60 of funds; providing requirements for issuance of a
61 uniform traffic citation; providing for waiver of
62 challenge or dispute as to the delivery of the uniform
63 traffic citation; providing notice requirements and
64 procedures; specifying that the registered owner of a
65 motor vehicle is responsible and liable for paying a
66 uniform traffic citation; providing exceptions;
67 requiring an owner of a motor vehicle to furnish an
68 affidavit under certain circumstances; specifying
69 requirements for such affidavit and procedures
70 relating thereto; providing a criminal penalty for
71 submitting a false affidavit; providing that certain
72 photographs or video and evidence of speed are
73 admissible in certain proceedings; providing a
74 rebuttable presumption; providing construction;
75 providing requirements and procedures for hearings;

76 prohibiting the use of a speed detection system for
77 remote surveillance; providing construction;
78 specifying requirements of and prohibitions on the use
79 of recorded video and photographs captured by a speed
80 detection system; requiring the Department of
81 Transportation to submit an annual report to the
82 Governor and Legislature; requiring the department to
83 consult with the Department of Highway Safety and
84 Motor Vehicles regarding legislative recommendations;
85 creating s. 335.212, F.S.; providing definitions;
86 providing for the admissibility of certain evidence in
87 certain proceedings; providing self-test requirements
88 for speed detection systems; requiring the Department
89 of Transportation to maintain a log of results of the
90 system's self-tests and to perform independent
91 calibration tests of such systems; creating part IV of
92 ch. 348, F.S., entitled "Speed Detection Systems";
93 creating s. 348.801, F.S.; defining the term "work
94 zone area"; authorizing an expressway authority or
95 bridge authority to enforce the posted speed limit in
96 a work zone area through the use of a speed detection
97 system; requiring such authority to enter into an
98 agreement with the department or use a certain
99 department contract to install a speed detection
100 system; amending s. 351.03, F.S.; authorizing a county

101 or municipality to use railroad traffic infraction
102 detectors at railroad-highway grade crossings;
103 creating s. 351.351, F.S.; defining the term "railroad
104 traffic infraction detector"; authorizing the
105 department, a county, or a municipality to enforce
106 safety measures on a railroad-highway grade crossing
107 through the use of a railroad traffic infraction
108 detector; authorizing the department, a county, or a
109 municipality to install, or contract with a vendor to
110 install, a railroad traffic infraction detector at a
111 railroad-highway grade crossing; authorizing the
112 department, a county, or a municipality to authorize a
113 traffic infraction enforcement officer to issue
114 uniform traffic citations for certain violations;
115 providing notice requirements and procedures;
116 authorizing a person who receives a notice of
117 violation to request a hearing within a specified
118 timeframe; defining the term "person"; providing for
119 waiver of challenge or dispute as to the delivery of
120 the notice of violation; providing affidavit
121 requirements if a motor vehicle owner issued a traffic
122 citation is deceased; requiring dismissal of the
123 citation under certain circumstances; providing for
124 the person designated as having care, custody, or
125 control of a motor vehicle at the time of a specified

126 violation to be issued a notice of violation upon
127 receipt of an affidavit; providing for admissibility
128 of the affidavit in a certain proceeding; providing
129 that the owner of a leased vehicle is not responsible
130 for paying a traffic citation under certain
131 circumstances; providing a criminal penalty for
132 submitting a false affidavit; providing that certain
133 photographs or video and evidence of speed are
134 admissible in certain proceedings; providing a
135 rebuttable presumption; requiring certain penalties to
136 be paid, and a summary detail of such penalties to be
137 reported, to the Department of Revenue weekly;
138 providing for the distribution of funds; prohibiting
139 an individual from receiving a commission from revenue
140 collected from violations detected through the use of
141 a railroad traffic infraction detector; prohibiting a
142 manufacturer or vendor from receiving a fee or
143 remuneration based on the number of violations
144 detected using a railroad traffic infraction detector;
145 amending ss. 316.306 and 655.960, F.S.; conforming
146 cross-references; providing an effective date.

147
148 Be It Enacted by the Legislature of the State of Florida:

149
150 **Section 1. Subsections (69) through (112) of section**

151 **316.003, Florida Statutes, are renumbered as subsections (70)**
152 **through (113), respectively, subsections (38) and (65) are**
153 **amended, and a new subsection (69) is added to that section, to**
154 **read:**

155 316.003 Definitions.—The following words and phrases, when
156 used in this chapter, shall have the meanings respectively
157 ascribed to them in this section, except where the context
158 otherwise requires:

159 (38) LOCAL HEARING OFFICER.—The person, designated by a
160 department, county, or municipality that elects to authorize
161 traffic infraction enforcement officers to issue traffic
162 citations under ss. 316.0083(1)(a), and 316.1896(1), and
163 335.211(1), who is authorized to conduct hearings related to a
164 notice of violation issued pursuant to s. 316.0083, ~~or~~ s.
165 316.1896, or s. 335.211. The charter county, noncharter county,
166 or municipality may use its currently appointed code enforcement
167 board or special magistrate to serve as the local hearing
168 officer. The department may enter into an interlocal agreement
169 to use the local hearing officer of a county or municipality.

170 (65) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
171 provided in paragraph (91)(b) ~~(90)(b)~~, any privately owned way
172 or place used for vehicular travel by the owner and those having
173 express or implied permission from the owner, but not by other
174 persons.

175 (69) RAILROAD TRAFFIC INFRACTION DETECTOR.—A portable or

176 fixed automatic system used to detect a motor vehicle's action
177 using radar or LiDAR and to capture a photograph or video of the
178 rear of a motor vehicle that maneuvers around crossing arms or
179 stops on a railroad-highway grade crossing at the time of
180 violation.

181 **Section 2. Subsection (10) is added to section 316.008,**
182 **Florida Statutes, to read:**

183 316.008 Powers of local authorities.—

184 (10) (a) A county or municipality may enforce the
185 applicable law at a railroad-highway grade crossing.

186 (b) A county or municipality may place or install, or
187 contract with a vendor to place or install, a railroad traffic
188 infraction detector at a railroad-highway grade crossing that is
189 on railroad property, or on a roadway adjacent to such crossing,
190 with the railroad owner's consent.

191 (c)1. A county or municipality must enact an ordinance
192 authorizing the placement or installation of a railroad traffic
193 infraction detector as authorized by this subsection.

194 2. Before enacting such an ordinance, the county or
195 municipality must hold a public hearing on the proposed
196 ordinance. As part of the public hearing, the county or
197 municipality must:

198 a. Consider traffic data or other evidence supporting the
199 installation and operation of each proposed railroad traffic
200 infraction detector.

201 b. Determine that the railroad-highway grade crossing
 202 constitutes a heightened safety risk and warrants additional
 203 enforcement through installation of a railroad traffic
 204 infraction detector.

205 **Section 3. Subsections (1) and (2) of section 316.0776,**
 206 **Florida Statutes, are amended, and subsection (4) is added to**
 207 **that section, to read:**

208 316.0776 Traffic infraction detectors; speed detection
 209 systems; placement and installation.—

210 (1) Traffic infraction detectors are allowed on state
 211 roads when permitted by the Department of Transportation and
 212 under placement and installation specifications developed by the
 213 Department of Transportation. Traffic infraction detectors are
 214 allowed on streets and highways under the jurisdiction of
 215 counties or municipalities in accordance with placement and
 216 installation specifications developed by the Department of
 217 Transportation. Railroad traffic infraction detectors are
 218 allowed on railroad-highway grade crossings, or on roadways
 219 adjacent thereto, with the consent of the railroad owner.

220 (2) (a) If the department, county, or municipality installs
 221 a traffic infraction detector at an intersection, the
 222 department, county, or municipality shall notify the public that
 223 a traffic infraction device may be in use at that intersection
 224 and must specifically include notification of camera enforcement
 225 of violations concerning right turns. Such signage used to

226 | notify the public must meet the specifications for uniform
227 | signals and devices adopted by the Department of Transportation
228 | pursuant to s. 316.0745.

229 | (b) If the department, county, or municipality begins a
230 | traffic infraction detector program in a county or municipality
231 | that has never conducted such a program, the respective
232 | department, county, or municipality shall also make a public
233 | announcement and conduct a public awareness campaign of the
234 | proposed use of traffic infraction detectors at least 30 days
235 | before commencing the enforcement program.

236 | (c) If the department, county, or municipality installs a
237 | railroad traffic infraction detector at a railroad-highway grade
238 | crossing or on a roadway adjacent thereto, the department,
239 | county, or municipality shall notify the public that a traffic
240 | infraction device may be in use at the railroad-highway grade
241 | crossing or roadway and must specifically include notification
242 | of camera enforcement of maneuvers around crossing arms or stops
243 | at a railroad-highway grade crossing. Such signage used to
244 | notify the public must meet specifications for uniform signals
245 | and devices adopted by the Department of Transportation pursuant
246 | to s. 316.0745.

247 | (4) (a) A railroad traffic infraction detector may be
248 | placed or installed at a railroad-highway grade crossing or on a
249 | roadway adjacent thereto when permitted by the municipality or
250 | county where railroad-highway grade crossings exist on roads

251 maintained by the municipality or county and in accordance with
252 placement and installation specifications developed by the
253 Department of Transportation.

254 (b) A railroad traffic infraction detector may be placed
255 or installed on or near a railroad-highway grade crossing under
256 the jurisdiction of a county or a municipality in accordance
257 with placement and installation specifications developed by the
258 Department of Transportation.

259 (c) The Department of Transportation must establish such
260 placement and installation specifications by December 31, 2025.

261 **Section 4. Paragraph (b) of subsection (1) of section**
262 **316.640, Florida Statutes, is amended to read:**

263 316.640 Enforcement.—The enforcement of the traffic laws
264 of this state is vested as follows:

265 (1) STATE.—

266 (b)1. The Department of Transportation has authority to
267 enforce on all the streets and highways of this state all laws
268 applicable within its authority.

269 2.a. The Department of Transportation shall develop
270 training and qualifications standards for toll enforcement
271 officers whose sole authority is to enforce the payment of tolls
272 pursuant to s. 316.1001. Nothing in this subparagraph shall be
273 construed to permit the carrying of firearms or other weapons,
274 nor shall a toll enforcement officer have arrest authority.

275 b. For the purpose of enforcing s. 316.1001, governmental

276 entities, as defined in s. 334.03, which own or operate a toll
277 facility may employ independent contractors or designate
278 employees as toll enforcement officers; however, any such toll
279 enforcement officer must successfully meet the training and
280 qualifications standards for toll enforcement officers
281 established by the Department of Transportation.

282 3.a. For the purpose of enforcing s. 316.0083, the
283 department may designate employees as traffic infraction
284 enforcement officers.

285 b. For the purpose of enforcing s. 335.211, the Department
286 of Transportation may designate employees as traffic infraction
287 enforcement officers.

288 c. A traffic infraction enforcement officer must
289 successfully complete instruction in traffic enforcement
290 procedures and court presentation through the Selective Traffic
291 Enforcement Program as approved by the Division of Criminal
292 Justice Standards and Training of the Department of Law
293 Enforcement, or through a similar program, but may not
294 necessarily otherwise meet the uniform minimum standards
295 established by the Criminal Justice Standards and Training
296 Commission for law enforcement officers or auxiliary law
297 enforcement officers under s. 943.13.

298 d. This subparagraph does not authorize the carrying of
299 firearms or other weapons by a traffic infraction enforcement
300 officer and does not authorize a traffic infraction enforcement

301 officer to make arrests.

302 e. ~~The department's~~ traffic infraction enforcement
303 officer designated under this subparagraph ~~officers~~ must be
304 physically located in the state.

305 **Section 5. Paragraphs (e) through (i) of subsection (3) of**
306 **section 318.18, Florida Statutes, are redesignated as paragraphs**
307 **(f) through (j), respectively, and a new paragraph (e) is added**
308 **to that subsection to read:**

309 318.18 Amount of penalties.—The penalties required for a
310 noncriminal disposition pursuant to s. 318.14 or a criminal
311 offense listed in s. 318.17 are as follows:

312 (3)

313 (e) Notwithstanding paragraphs (b) and (f), a person cited
314 for a violation of s. 316.183 for exceeding the speed limit in
315 force at the time of the violation in a work zone area as
316 defined in s. 335.21, when enforced by a traffic infraction
317 enforcement officer pursuant to s. 335.211, must pay a fine of
318 \$100. The \$100 penalty to be assessed and collected by the
319 department must be remitted as follows:

320 1. Sixty dollars must be remitted to the Department of
321 Revenue for deposit into the State Transportation Trust Fund for
322 highway safety campaigns. For penalties assessed on expressway
323 and bridge authorities under s. 348.801, such amount shall be
324 provided to the respective authorities for highway safety
325 campaigns.

326 2. Forty dollars must be remitted to the Department of
 327 Revenue for deposit into charities designated by the Department
 328 of Transportation that provide financial assistance to families
 329 of workers who have been killed in a work zone area.

330
 331 If a person who is mailed a notice of violation or a uniform
 332 traffic citation for a violation of s. 316.183, as enforced by a
 333 traffic infraction enforcement officer under s. 335.211,
 334 presents documentation from the department that the notice of
 335 violation or uniform traffic citation was in error, the clerk of
 336 court or clerk to the local hearing officer may dismiss the
 337 case. The clerk of court or clerk to the local hearing officer
 338 may not charge for this service.

339 **Section 6. Subsections (4), (5), and (15) of section**
 340 **318.21, Florida Statutes, are amended to read:**

341 318.21 Disposition of civil penalties by county courts.—
 342 All civil penalties received by a county court pursuant to the
 343 provisions of this chapter shall be distributed and paid monthly
 344 as follows:

345 (4) Of the additional fine assessed under s. 318.18(3)(h)
 346 s. 318.18(3)(g) for a violation of s. 316.1301, 40 percent must
 347 be remitted to the Department of Revenue for deposit in the
 348 Grants and Donations Trust Fund of the Division of Blind
 349 Services of the Department of Education, and 60 percent must be
 350 distributed pursuant to subsections (1) and (2).

351 (5) Of the additional fine assessed under s. 318.18(3)(h)
352 ~~s. 318.18(3)(g)~~ for a violation of s. 316.1303(1), 60 percent
353 must be remitted to the Department of Revenue for deposit in the
354 Grants and Donations Trust Fund of the Division of Vocational
355 Rehabilitation of the Department of Education, and 40 percent
356 must be distributed pursuant to subsections (1) and (2).

357 (15) Of the additional fine assessed under s. 318.18(3)(g)
358 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1893, 50 percent of
359 the moneys received from the fines shall be appropriated to the
360 Agency for Health Care Administration as general revenue to
361 provide an enhanced Medicaid payment to nursing homes that serve
362 Medicaid recipients with brain and spinal cord injuries. The
363 remaining 50 percent of the moneys received from the enhanced
364 fine imposed under s. 318.18(3)(g) ~~s. 318.18(3)(f)~~ shall be
365 remitted to the Department of Revenue and deposited into the
366 Department of Health Emergency Medical Services Trust Fund to
367 provide financial support to certified trauma centers in the
368 counties where enhanced penalty zones are established to ensure
369 the availability and accessibility of trauma services. Funds
370 deposited into the Emergency Medical Services Trust Fund under
371 this subsection shall be allocated as follows:

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

375 (b) Fifty percent shall be allocated among Level I, Level

376 II, and pediatric trauma centers based on each center's relative
377 volume of trauma cases as calculated using the hospital
378 discharge data collected pursuant to s. 408.061.

379 **Section 7. Section 335.21, Florida Statutes, is created to**
380 **read:**

381 335.21 Speed detection systems; placement and
382 installation.—

383 (1) For purposes of this section and ss. 335.211 and
384 335.212, the term "work zone area" means an area on the state
385 highway system that is a limited access facility as defined in
386 s. 316.003 where construction workers are present and there is
387 no physical barrier separating the vehicular traffic from the
388 construction workers.

389 (2) (a) The department may enforce the posted speed limit
390 in a work zone area through the use of a speed detection system
391 as defined in s. 316.003.

392 (b) The department may place or install, or contract with
393 a vendor to place or install, a speed detection system in a work
394 zone area to enforce unlawful speed violations, as specified in
395 s. 316.183, in such work zone area. The department must
396 establish placement and installation specifications by December
397 31, 2025.

398 (3) If the department installs a speed detection system in
399 a work zone area, the department must post signage to notify the
400 public that a speed detection system may be in use at that work

401 zone area. Such signage must meet the specifications for uniform
402 signals and devices adopted by the department pursuant to s.
403 316.0745. The department shall also develop and maintain a
404 public website for the purpose of educating the traveling public
405 about the use of speed detection systems in work zone areas.

406 (4) If the department begins a speed detection system
407 program in a work zone area that has never conducted such a
408 program, the department must make a public announcement and
409 conduct a public awareness campaign of the proposed use of the
410 speed detection system at least 5 days before commencing the
411 enforcement under the speed detection system program and must
412 notify the public of the specific date on which the program will
413 commence. During the 5-day public awareness campaign, only a
414 warning may be issued to the registered owner of a motor vehicle
415 for a violation of s. 316.183 enforced by a speed detection
416 system, and liability may not be imposed for the civil penalty
417 under s. 318.18(3)(e).

418 **Section 8. Section 335.211, Florida Statutes, is created**
419 **to read:**

420 335.211 Roadways maintained as work zone areas; speed
421 detection system enforcement; penalties; appeal procedure;
422 privacy; reports.—

423 (1) For purposes of administering this section, the
424 department may authorize a traffic infraction enforcement
425 officer under s. 316.640 to issue uniform traffic citations for

426 violations of s. 316.183 in excess of the posted speed limit in
427 a work zone area as defined in s. 335.21. Such violation must be
428 evidenced by a speed detection system as defined in s. 316.003.
429 This subsection does not prohibit a review of information from a
430 speed detection system by an authorized employee or agent of the
431 department before issuance of the uniform traffic citation by
432 the traffic infraction enforcement officer. This subsection does
433 not prohibit the Department of Transportation from issuing
434 notices as provided in subsection (2) to the registered owner of
435 the motor vehicle for a violation of s. 316.183.

436 (2) Within 30 days after a violation, notice must be sent
437 to the registered owner of the motor vehicle involved in the
438 violation specifying the remedies available under s. 318.14 and
439 that the violator must pay the penalty under s. 318.18(3)(e) to
440 the department, or furnish an affidavit in accordance with
441 subsection (8), within 30 days after the date of the notice of
442 violation in order to avoid court fees, costs, and the issuance
443 of a uniform traffic citation. The notice of violation must:

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

445 (b) Include a photograph or other recorded image showing
446 the license plate of the motor vehicle; the date, time, and
447 location of the violation; the maximum speed at which the motor
448 vehicle was traveling within the work zone area; and the speed
449 limit within the work zone area at the time of the violation.

450 (c) Include a notice that the owner has the right to

451 review, in person or remotely, the photograph or video captured
452 by the speed detection system and the evidence of the speed of
453 the motor vehicle detected by the speed detection system which
454 constitute a rebuttable presumption that the motor vehicle was
455 used in violation of s. 316.183.

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

459 (3) Notwithstanding any other law, a person who receives a
460 notice of violation under this section may request a hearing
461 within 30 days after the notice of violation or may pay the
462 penalty pursuant to the notice of violation, but a payment or
463 fee may not be required before the hearing requested by the
464 person. The notice of violation must be accompanied by, or
465 direct the person to a website that provides, information on the
466 person's right to request a hearing and on all costs related
467 thereto and a form used for requesting a hearing. As used in
468 this subsection, the term "person" includes a natural person,
469 the registered owner or co-owner of a motor vehicle, or the
470 person identified in an affidavit as having actual care,
471 custody, or control of the motor vehicle at the time of the
472 violation.

473 (4) If the registered owner or co-owner of the motor
474 vehicle; the person identified as having care, custody, or
475 control of the motor vehicle at the time of the violation; or an

476 authorized representative of the owner, co-owner, or identified
477 person initiates a proceeding to challenge the violation, such
478 person waives any challenge or dispute as to the delivery of the
479 notice of violation.

480 (5) Penalties to be assessed and collected by the
481 department pursuant to s. 318.18(3)(e) must be remitted as
482 follows:

483 (a) Sixty dollars must be remitted to the Department of
484 Revenue for deposit into the State Transportation Trust Fund for
485 safety campaigns. For penalties assessed on expressway and
486 bridge authorities under s. 348.801, such amount shall be
487 provided to the respective authorities for highway safety
488 campaigns.

489 (b) Forty dollars must be remitted to the Department of
490 Revenue for deposit into charities designated by the Department
491 of Transportation that provide financial assistance to families
492 of workers who have been killed in a work zone area.

493 (6) A uniform traffic citation must be issued by mailing
494 the uniform traffic citation by certified mail to the address of
495 the registered owner of the motor vehicle involved in the
496 violation if payment has not been made within 30 days after
497 notification under subsection (2), if the registered owner has
498 not requested a hearing as authorized under subsection (3), and
499 if the registered owner has not submitted an affidavit in
500 accordance with subsection (8).

501 (a) Delivery of the uniform traffic citation constitutes
 502 notification of a violation under this subsection. If the
 503 registered owner or co-owner of the motor vehicle; the person
 504 identified as having care, custody, or control of the motor
 505 vehicle at the time of the violation; or a duly authorized
 506 representative of the owner, co-owner, or identified person
 507 initiates a proceeding to challenge the citation pursuant to
 508 this section, such person waives any challenge or dispute as to
 509 the delivery of the uniform traffic citation.

510 (b) In the case of joint ownership of a motor vehicle, the
 511 uniform traffic citation must be mailed to the first name
 512 appearing on the motor vehicle registration, unless the first
 513 name appearing on the registration is a business organization,
 514 in which case the second name appearing on the registration may
 515 be used.

516 (c) The uniform traffic citation mailed to the registered
 517 owner of the motor vehicle involved in the infraction must be
 518 accompanied by the information described in paragraphs (2)(b)-
 519 (d).

520 (7) The registered owner of the motor vehicle involved in
 521 the violation is responsible and liable for paying the uniform
 522 traffic citation issued for a violation of s. 316.183 unless the
 523 owner can establish that:

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

526 (b) A uniform traffic citation was issued by law
527 enforcement to the driver of the motor vehicle for the alleged
528 violation of s. 316.183; or

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

533 (8) To establish such facts under subsection (7), the
534 registered owner of the motor vehicle must, within 30 days after
535 the date of issuance of the notice of violation or the uniform
536 traffic citation, furnish to the department an affidavit setting
537 forth information supporting an exception under subsection (7).

538 (a) An affidavit supporting the exception under paragraph
539 (7) (a) must include the name, address, date of birth, and, if
540 known, the driver license number of the person who leased,
541 rented, or otherwise had care, custody, or control of the motor
542 vehicle at the time of the alleged violation. If the motor
543 vehicle was stolen at the time of the alleged violation, the
544 affidavit must include the police report indicating that the
545 motor vehicle was stolen.

546 (b) If a uniform traffic citation for a violation of s.
547 316.183 was issued at the location of the violation by a law
548 enforcement officer, the affidavit must include the serial
549 number of the uniform traffic citation.

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

551 violation or a uniform traffic citation has been issued is
552 deceased, the affidavit must include a certified copy of the
553 owner's death certificate showing that the date of death
554 occurred on or before the date of the alleged violation and one
555 of the following:

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

559 2. Documented proof that the registered license plate
560 belonging to the deceased owner's motor vehicle was returned to
561 the Department of Highway Safety and Motor Vehicles or any
562 branch office or authorized agent of the department after his or
563 her death but on or before the date of the alleged violation.

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

568
569 Upon receipt of the affidavit and documentation required under
570 paragraphs (b) and (c), or 30 days after the date of issuance of
571 a notice of violation sent to a person identified as having
572 care, custody, or control of the motor vehicle at the time of
573 the violation under paragraph (a), the department must dismiss
574 the notice or citation and provide proof of such dismissal to
575 the person who submitted the affidavit. If, within 30 days after

576 the date of a notice of violation sent to a person under
577 subsection (9), the department receives an affidavit under
578 subsection (10) from the person sent a notice of violation
579 affirming that the person did not have care, custody, or control
580 of the motor vehicle at the time of the violation, the
581 department must notify the registered owner that the notice or
582 citation will not be dismissed due to failure to establish that
583 another person had care, custody, or control of the motor
584 vehicle at the time of the violation.

585 (9) Upon receipt of an affidavit under paragraph (8)(a),
586 the department may issue the person identified as having care,
587 custody, or control of the motor vehicle at the time of the
588 violation a notice of violation pursuant to subsection (2) for a
589 violation of s. 316.183. The affidavit is admissible in a
590 proceeding pursuant to this section for the purpose of providing
591 evidence that the person identified in the affidavit was in
592 actual care, custody, or control of the motor vehicle. The owner
593 of a leased motor vehicle for which a uniform traffic citation
594 is issued for a violation of s. 316.183 is not responsible for
595 paying the uniform traffic citation and is not required to
596 submit an affidavit as specified in subsection (8) if the motor
597 vehicle involved in the violation is registered in the name of
598 the lessee of such motor vehicle.

599 (10) If the department receives an affidavit under
600 paragraph (8)(a), the notice of violation required under

601 subsection (2) must be sent to the person identified in the
602 affidavit within 30 days after receipt of the affidavit. The
603 person identified in an affidavit and sent a notice of violation
604 may also affirm that he or she did not have care, custody, or
605 control of the motor vehicle at the time of the violation by
606 furnishing to the department within 30 days after the date of
607 the notice of violation an affidavit stating such.

608 (11) The submission of a false affidavit is a misdemeanor
609 of the second degree, punishable as provided in s. 775.082 or s.
610 775.083.

611 (12) The photograph or video captured by a speed detection
612 system and the evidence of the speed of the motor vehicle
613 detected by a speed detection system which are attached to or
614 referenced in the uniform traffic citation are evidence of a
615 violation of s. 316.183 and are admissible in any proceeding to
616 enforce this section. The photograph or video and the evidence
617 of speed detected raise a rebuttable presumption that the motor
618 vehicle named in the report or shown in the photograph or video
619 was used in violation of s. 316.183.

620 (13) This section supplements the enforcement of s 316.183
621 by a law enforcement officer and does not prohibit a law
622 enforcement officer from issuing a uniform traffic citation for
623 a violation of s. 316.183.

624 (14) A hearing under this section must be conducted as
625 follows:

626 (a) The Department of Highway Safety and Motor Vehicles
627 must publish and make available electronically a model request
628 for hearing form to assist the Department of Transportation in
629 administering this section.

630 (b) The Department of Transportation must designate by
631 resolution existing staff to serve as the clerk to the local
632 hearing officer.

633 (c) A person, referred to in this subsection as the
634 "petitioner," who elects to request a hearing under subsection
635 (3) must be scheduled for a hearing by the clerk to the local
636 hearing officer. The clerk must furnish the petitioner with
637 notice sent by first-class mail. Upon receipt of the notice, the
638 petitioner may reschedule the hearing up to two times by
639 submitting a written request to reschedule to the clerk at least
640 5 calendar days before the day of the scheduled hearing. The
641 petitioner may cancel his or her appearance before the local
642 hearing officer by paying the penalty assessed under subsection
643 (2), plus \$50 in administrative costs, before the start of the
644 hearing.

645 (d) All testimony at the hearing must be under oath and
646 must be recorded. The local hearing officer must take testimony
647 from a traffic infraction enforcement officer and the petitioner
648 and may take testimony from others. The local hearing officer
649 must review the photograph or video captured by the speed
650 detection system and the evidence of the speed of the motor

651 vehicle detected by the speed detection system made available
652 under paragraph (2) (b). Formal rules of evidence do not apply,
653 but due process must be observed and govern the proceedings.

654 (e) At the conclusion of the hearing, the local hearing
655 officer must determine whether a violation under this section
656 occurred and must uphold or dismiss the violation. The local
657 hearing officer must issue a final administrative order
658 including the determination and, if the notice of violation is
659 upheld, must require the petitioner to pay the penalty
660 previously assessed under subsection (2), and may also require
661 the petitioner to pay county or municipal costs not to exceed
662 \$250. The final administrative order must be mailed to the
663 petitioner by first-class mail.

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

666 (15) (a) A speed detection system in a work zone area may
667 not be used for remote surveillance. The collection of evidence
668 by a speed detection system to enforce violations of s. 316.183,
669 or user-controlled pan or tilt adjustments of speed detection
670 system components, do not constitute remote surveillance.
671 Recorded video or photographs collected as part of a speed
672 detection system in a work zone area may only be used to
673 document violations of s. 316.183 and for purposes of
674 determining criminal or civil liability for incidents captured
675 by the speed detection system incidental to the permissible use

676 of the speed detection system.

677 (b) Any recorded video or photograph obtained through the
678 use of a speed detection system must be destroyed within 90 days
679 after the final disposition of the recorded event. The vendor of
680 a speed detection system must provide the department with
681 written notice by December 31 of each year that such records
682 have been destroyed in accordance with this subsection.

683 (c) Notwithstanding any other law, registered motor
684 vehicle owner information obtained as a result of the operation
685 of a speed detection system in a work zone area is not the
686 property of the manufacturer or vendor of the speed detection
687 system and may be used only for the purposes of this section.

688 (16) On or before December 31, 2026, and annually
689 thereafter, the department must submit a summary report to the
690 Governor, the President of the Senate, and the Speaker of the
691 House of Representatives regarding the use of speed detection
692 systems under this section, along with any legislative
693 recommendations from the department. The department shall
694 consult with the Department of Highway Safety and Motor Vehicles
695 on any legislative recommendations related to speed detection
696 systems in work zone areas.

697 **Section 9. Section 335.212, Florida Statutes, is created**
698 **to read:**

699 335.212 Radar speed-measuring devices; speed detection
700 systems; evidence, admissibility.-

701 (1) DEFINITIONS.—

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

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

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

711 (d) "Officer" means any:

712 1. "Law enforcement officer" who is elected, appointed, or
713 employed full time by any municipality or the state or any
714 political subdivision thereof; who is vested with the authority
715 to bear arms and make arrests; and whose primary responsibility
716 is the prevention and detection of crime or the enforcement of
717 the penal, criminal, traffic, or highway laws of the state;

718 2. "Part-time law enforcement officer" who is employed or
719 appointed less than full time, as defined by an employing
720 agency, with or without compensation; who is vested with
721 authority to bear arms and make arrests; and whose primary
722 responsibility is the prevention and detection of crime or the
723 enforcement of the penal, criminal, traffic, or highway laws of
724 the state;

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

726 appointed, with or without compensation; who aids or assists a
727 full-time or part-time law enforcement officer; and who, while
728 under the direct supervision of a full-time or part-time law
729 enforcement officer, has the authority to arrest and perform law
730 enforcement functions; or

731 4. "Traffic infraction enforcement officer" who is
732 employed or appointed, with or without compensation, and
733 satisfies the requirements of s. 316.640(1) and is vested with
734 authority to enforce violations of s. 316.183 pursuant to s.
735 335.211.

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

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

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

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

749 (c) Has written a citation based on evidence obtained from
750 radar when conditions permit the clear assignment of speed to a

751 single vehicle.

752 (d) Is using radar which has no automatic speed locks and
753 no audio warning tones, unless disconnected or deactivated.

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

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

758 (3) A speed detection system is exempt from the design
759 requirements for radar or LiDAR units established by the
760 Department of Highway Safety and Motor Vehicles. A speed
761 detection system must have the ability to perform self-tests as
762 to its detection accuracy. The system must perform a self-test
763 at least once every 30 days. The Department of Transportation,
764 or an agent acting on behalf of the department, must maintain a
765 log of the results of the system's self-tests. The Department of
766 Transportation, or an agent acting on behalf of the department,
767 must also perform an independent calibration test on the speed
768 detection system at least once every 12 months. The self-test
769 logs, as well as the results of the annual calibration test, are
770 admissible in any court proceeding for a uniform traffic
771 citation issued for a violation of s. 316.183 enforced pursuant
772 to s. 335.211. Notwithstanding subsection (2), evidence of the
773 speed of a motor vehicle detected by a speed detection system
774 compliant with this subsection and the determination by a
775 traffic infraction enforcement officer that a motor vehicle is

776 operating in excess of the applicable speed limit is admissible
777 in any proceeding with respect to an alleged violation of law
778 regulating the speed of motor vehicles in work zone areas.

779 **Section 10. Part IV of chapter 348, Florida Statutes,**
780 **consisting of section 348.801, is created and entitled "Speed**
781 **Detection Systems."**

782 **Section 11. Section 348.801, Florida Statutes, is created**
783 **to read:**

784 348.801 Speed detection systems; placement and
785 installation.—

786 (1) For purposes of this section, the term "work zone
787 area" means an area on the state highway system that is a
788 limited access facility as defined in s. 316.003 where
789 construction workers are present and there is no physical
790 barrier separating the vehicular traffic from the construction
791 workers.

792 (2) (a) An expressway authority or bridge authority may
793 enforce the posted speed limit in a work zone area through the
794 use of a speed detection system as defined in s. 316.003.

795 (b) The expressway authority or bridge authority shall
796 enter into an agreement with the Department of Transportation to
797 use the department's contract under s. 335.21 to place or
798 install a speed detection system in a work zone area to enforce
799 speed limit violations, as specified in s. 316.183, in such work
800 zone area.

801 **Section 12. Subsection (2) of section 351.03, Florida**
 802 **Statutes, is amended to read:**

803 351.03 Railroad-highway grade-crossing warning signs and
 804 signals; audible warnings; exercise of reasonable care; blocking
 805 highways, roads, and streets during darkness.—

806 (2) (a) Advance railroad warning signs and pavement
 807 markings shall be installed and maintained at public railroad-
 808 highway grade crossings in accordance with the uniform system of
 809 traffic control devices by the governmental entity having
 810 jurisdiction over or maintenance responsibility for the highway
 811 or street. All persons approaching a railroad-highway grade
 812 crossing shall exercise reasonable care for their own safety and
 813 for the safety of railroad train crews as well as for the safety
 814 of train or vehicle passengers.

815 (b) A county or municipality may use railroad traffic
 816 infraction detectors to enforce s. 316.1575 at a railroad-
 817 highway grade crossing.

818 **Section 13. Section 351.351, Florida Statutes, is created**
 819 **to read:**

820 351.351 Enforcement at railroad-highway grade crossings.—

821 (1) As used in this section, the term "railroad traffic
 822 infraction detector" means a portable or fixed automatic system
 823 used to detect a motor vehicle's action using radar or LiDAR and
 824 to capture a photograph or video of the rear of a motor vehicle
 825 that maneuvers around crossing arms or stops on a railroad-

826 highway grade crossing at the time of the violation.

827 (2) (a) The Department of Transportation, a county, or a
828 municipality may enforce safety measures on a railroad-highway
829 grade crossing through the use of a railroad traffic infraction
830 detector for the detection of a motor vehicle that maneuvers
831 around crossing arms or stops on a railroad-highway grade
832 crossing and capturing of photographs or videos of violations.

833 (b) The department, county, or municipality may place or
834 install, or contract with a vendor to place or install, a
835 railroad traffic infraction detector at a railroad-highway grade
836 crossing or on a roadway adjacent thereto with the railroad
837 owner's consent.

838 (3) For the purposes of administering this section, the
839 Department of Transportation, a county, or a municipality may
840 authorize a traffic infraction enforcement officer under s.
841 316.640 to issue uniform traffic citations for violations of s.
842 316.1575 as authorized by s. 316.008 and s. 351.03.

843 (a) Within 30 days after a violation, a notice must be
844 sent to the registered owner of the motor vehicle involved in
845 the violation specifying the remedies under s. 316.1575 and that
846 the violator must pay the determined penalties as outlined in s.
847 316.1575.

848 (b) The notice must state that the owner has the right to
849 review the photographic or electronic images that constitute a
850 rebuttable presumption against the owner of the vehicle and must

851 state the time and place or Internet location where the evidence
852 may be examined and observed.

853 (c) The violator must pay the penalty to the department,
854 county, or municipality, furnish an affidavit in accordance with
855 this section, or request a hearing within 60 days after the date
856 of the notice in order to avoid the issuance of a traffic
857 citation.

858 (d) The notice must be sent by first-class mail. The
859 mailing of the notice constitutes notification.

860 (4) (a) Notwithstanding any other provision of law, a
861 person who receives a notice of violation under this section may
862 request an administrative hearing within 60 days after the date
863 of the notice or pay the penalty specified in the notice.
864 However, payment of the fee may not be required before the
865 hearing requested by the person.

866 (b) The notice of violation must direct the person to a
867 website that provides information on the person's right to
868 request a hearing.

869 (c) The term "person" includes a natural person,
870 registered owner or co-owner of a motor vehicle, or person
871 identified in an affidavit as having care, custody, or control
872 of the motor vehicle at the time of the violation.

873 (d) If the person or an authorized representative of the
874 person initiates a proceeding to challenge the violation
875 pursuant to this subsection, such person waives any challenge or

876 dispute as to the delivery of the notice of violation.

877 (e) In the case of joint ownership of a motor vehicle, the
878 traffic citation shall be mailed to the first name appearing on
879 the registration unless the first name appearing on the
880 registration is a business organization, in which case the
881 second name appearing on the registration may be used.

882 (f)1. If the motor vehicle's owner to whom a traffic
883 citation has been issued is deceased, the affidavit must include
884 a certified copy of the owner's death certificate showing that
885 the date of death occurred on or before the issuance of the
886 uniform traffic citation and one of the following:

887 a. A bill of sale or other document showing that the
888 deceased owner's motor vehicle was sold or transferred after his
889 or her death but on or before the date of the alleged violation.

890 b. Documentary proof that the registered license plate
891 belonging to the deceased owner's vehicle was returned to the
892 department or any branch office or authorized agent of the
893 department on or before the date of the alleged violation.

894 c. A copy of a police report showing that the deceased
895 owner's registered license plate or motor vehicle was stolen
896 after the owner's death but on or before the date of the alleged
897 violation.

898 2. Upon receipt of the affidavit and documentation
899 required under this paragraph, the department, county, or
900 municipality must dismiss the citation and provide proof of such

901 dismissal to the person who submitted the affidavit.

902 (g) Upon receipt of an affidavit, the person designated as
903 having care, custody, or control of the motor vehicle at the
904 time of the violation may be issued a notice of violation
905 pursuant to this chapter for a violation of s. 316.1575 when a
906 person driving a vehicle and approaching a railroad-highway
907 grade crossing under any of the circumstances stated in this
908 section must stop within 50 feet but not less than 15 feet from
909 the nearest rail of such railroad and may not proceed until the
910 railroad tracks are clear and he or she can do so safely.

911 (h) The affidavit is admissible in a proceeding pursuant
912 to this section for the purpose of providing proof that the
913 person identified in the affidavit was in actual care, custody,
914 or control of the motor vehicle. The owner of a leased vehicle
915 for which a traffic citation is issued for a violation of s.
916 316.1575 is not responsible for paying the traffic citation and
917 is not required to submit an affidavit as specified in this
918 subsection if the motor vehicle involved in the violation is
919 registered in the name of the lessee of such motor vehicle.

920 (i) The submission of a false affidavit is a misdemeanor
921 of the second degree, punishable as provided in s. 775.082 or s.
922 775.083.

923 (5) The photographic or electronic images or streaming
924 video attached to or referenced in the traffic citation is
925 evidence that a violation of s. 316.1575 has occurred and is

926 admissible in any proceeding to enforce this section and raises
927 a rebuttable presumption that the motor vehicle named in the
928 report or shown in the photographic or electronic images or
929 streaming video evidence was used in violation of s. 316.1575.

930 (6) (a) Penalties assessed and collected by the department,
931 county, or municipality authorized to collect the funds provided
932 for in paragraph (b), less the amount retained by the county or
933 municipality pursuant to subparagraphs (b)1. and 2., shall be
934 paid to the Department of Revenue weekly. Payment by the
935 department, county, or municipality to the state shall be made
936 by means of electronic funds transfers. In addition to the
937 payment, summary detail of the penalties remitted shall be
938 reported to the Department of Revenue.

939 (b) Penalties to be assessed or collected by the
940 department, county, or municipality are as follows:

941 1. Five hundred dollars or 25 hours of community service
942 as outlined in s. 316.1575(3)(b)1. for a first violation of s.
943 316.1575. Three hundred dollars shall be remitted to the
944 Department of Revenue for deposit into the General Revenue Fund,
945 \$150 shall be remitted to the Department of Revenue for deposit
946 into the Department of Transportation for Operation Lifesaver
947 Florida, and \$50 shall be distributed to the municipality in
948 which the violation occurred or, if the violation occurred in an
949 unincorporated area, to the county in which the violation
950 occurred.

951 2. One thousand dollars as outlined in s. 316.1575(3)(b)2.
952 for a second or subsequent violation of s. 316.1575. Six hundred
953 dollars shall be remitted to the Department of Revenue for
954 deposit into the General Revenue Fund, \$300 shall be remitted to
955 the Department of Revenue for deposit into the Department of
956 Transportation for Operation Lifesaver Florida, and \$100 shall
957 be distributed to the municipality in which the violation
958 occurred or, if the violation occurred in an unincorporated
959 area, to the county in which the violation occurred.

960 (7)(a) An individual may not receive a commission from any
961 revenue collected from violations detected through the use of a
962 railroad traffic infraction detector.

963 (b) A manufacturer or vendor may not receive a fee or
964 remuneration based upon the number of violations detected
965 through the use of a railroad traffic infraction detector.

966 **Section 14. Paragraph (a) of subsection (3) of section**
967 **316.306, Florida Statutes, is amended to read:**

968 316.306 School and work zones; prohibition on the use of a
969 wireless communications device in a handheld manner.—

970 (3)(a)1. A person may not operate a motor vehicle while
971 using a wireless communications device in a handheld manner in a
972 designated school crossing, school zone, or work zone area as
973 defined in s. 316.003(113) ~~s. 316.003(112)~~. This subparagraph
974 shall only be applicable to work zone areas if construction
975 personnel are present or are operating equipment on the road or

976 immediately adjacent to the work zone area. For the purposes of
977 this paragraph, a motor vehicle that is stationary is not being
978 operated and is not subject to the prohibition in this
979 paragraph.

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

984 **Section 15. Subsection (1) of section 655.960, Florida**
985 **Statutes, is amended to read:**

986 655.960 Definitions; ss. 655.960-655.965.—As used in this
987 section and ss. 655.961-655.965, unless the context otherwise
988 requires:

989 (1) "Access area" means any paved walkway or sidewalk
990 which is within 50 feet of any automated teller machine. The
991 term does not include any street or highway open to the use of
992 the public, as defined in s. 316.003(91)(a) ~~s. 316.003(90)(a)~~ or
993 (b), including any adjacent sidewalk, as defined in s. 316.003.

994 **Section 16.** This act shall take effect July 1, 2025.