

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative McFarland offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 235-731 and insert:

5 school zone speed limit may only be enforced through the use of
6 a speed detection system when any flashing beacon used to
7 provide the notice of the restricted school zone speed limit is
8 activated. For speed detection systems installed before July 1,
9 2026, capturing the beacon status photographically, on video, or
10 by other evidence is not required for proof of the beacon status
11 until January 1, 2028. An area maintained as a school zone that
12 has no beacon installed before July 1, 2026, has until January
13 1, 2028, to place and install a beacon and, until a beacon is

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14 installed, the county or municipality may provide proof of the
15 restricted school zone speed limit in force at the time of
16 violation without evidence of the beacon status.

17 (b) A county or municipality may place or install, or
18 contract with a vendor to place or install, a speed detection
19 system within a roadway maintained as a school zone as provided
20 in s. 316.1895 to enforce unlawful speed limit violations in the
21 school zone, as specified in s. 316.1895 ~~s. 316.1895(10)~~ or s.
22 316.183 which are in excess of 10 miles per hour over the school
23 zone speed limit in force at the time of violation, on that
24 roadway. The physical placement of a speed detection system may
25 be outside the boundaries of the school zone but within the
26 roadway maintained as a school zone. Any notice of violation or
27 uniform traffic citation issued using a speed detection system
28 must be based solely on a violation occurring within the
29 boundaries of the school zone and during the times authorized
30 under this subsection.

31 **Section 5. Subsection (3) of section 316.0776, Florida**
32 **Statutes, is amended to read:**

33 316.0776 Traffic infraction detectors; speed detection
34 systems; placement and installation.-

35 (3) A speed detection system authorized by s. 316.008(9)
36 may be placed or installed anywhere in an area maintained, as
37 defined in s. 316.1895(3)(d), as a school zone on a state road
38 when permitted by the Department of Transportation and in

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39 accordance with placement and installation specifications
40 developed by the Department of Transportation. The speed
41 detection system may be placed or installed anywhere in an area
42 maintained, as defined in s. 316.1895(3)(d), as a school zone on
43 a street or highway under the jurisdiction of a county or a
44 municipality in accordance with placement and installation
45 specifications established by the Department of Transportation.
46 The placement and installation specifications must allow the
47 placement of a speed detection system or components thereof
48 outside the boundaries of the school zone but within the area
49 maintained as a school zone. The speed detection system may only
50 capture violations occurring within the school zone and during
51 the times authorized under s. 316.008(9), regardless of the
52 placement of the speed detection system or its components ~~The~~
53 ~~Department of Transportation must establish such placement and~~
54 ~~installation specifications by December 31, 2023.~~

55 (a) If a county or municipality places or installs a speed
56 detection system as authorized by s. 316.008(9), the county or
57 municipality must notify the public that a speed detection
58 system may be in use by posting signage indicating photographic
59 or video enforcement of the school zone speed limits. Such
60 signage shall clearly designate the time period during which the
61 school zone speed limits are enforced using a speed detection
62 system and must meet the placement and installation
63 specifications established by the Department of Transportation.

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64 For a speed detection system enforcing violations of s. 316.1895
65 or s. 316.183 on a roadway maintained as a school zone, this
66 paragraph governs the signage notifying the public of the use of
67 a speed detection system.

68 (b) If a county or municipality begins a school zone speed
69 detection system program in a county or municipality that has
70 never conducted such a program, the respective county or
71 municipality must make a public announcement and conduct a
72 public awareness campaign of the proposed use of speed detection
73 systems at least 30 days before commencing enforcement under the
74 speed detection system program and must notify the public of the
75 specific date on which the program will commence. During the 30-
76 day public awareness campaign, only a warning may be issued to
77 the registered owner of a motor vehicle for a violation of s.
78 316.1895 or s. 316.183 enforced by a speed detection system, and
79 liability may not be imposed for the civil penalty under s.
80 318.18(3)(d).

81 (c) A county or municipality that operates one or more
82 school zone speed detection systems must annually report the
83 results of all systems within the county's or municipality's
84 jurisdiction by placing the report required under s.
85 316.1896(16)(a) as a single reporting item on the agenda of a
86 regular or special meeting of the county's or municipality's
87 governing body. Before a county or municipality contracts or
88 renews a contract to place or install a speed detection system

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89 in a school zone pursuant to s. 316.008(9), the county or
90 municipality must approve the contract or contract renewal at a
91 regular or special meeting of the county's or municipality's
92 governing body.

93 1. Interested members of the public must be allowed to
94 comment regarding the report, contract, or contract renewal
95 under the county's or municipality's public comment policies or
96 formats, and the report, contract, or contract renewal may not
97 be considered as part of a consent agenda.

98 2. The report required under this paragraph must include a
99 written summary, which must be read aloud at the regular or
100 special meeting, and the summary must contain, for the same time
101 period pertaining to the annual report to the department under
102 s. 316.1896(16) (a), the number of notices of violation issued,
103 the number that were contested, the number that were upheld, the
104 number that were dismissed, the number that were issued as
105 uniform traffic citations, and the number that were paid and how
106 collected funds were distributed and in what amounts. The county
107 or municipality must report to the department that the county's
108 or municipality's annual report was considered in accordance
109 with this paragraph, including the date of the regular or
110 special meeting at which the annual report was considered.

111 3. The compliance or sufficiency of compliance with this
112 paragraph may not be raised in a proceeding challenging a
113 violation of s. 316.1895 or s. 316.183 enforced by a speed

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114 detection system in a school zone.

115 **Section 6. Effective October 1, 2026, subsections (3),**
116 **(4), and (5) of section 316.0777, Florida Statutes, are**
117 **renumbered as subsections (4), (5), and (6), respectively, and a**
118 **new subsection (3) and subsection (7) are added to that section**
119 **to read:**

120 316.0777 Automated license plate recognition systems;
121 installation within rights-of-way of State Highway System and on
122 and within property owned or controlled by private entity;
123 public records exemption.—

124 (3) A private property owner may install an automated
125 license plate recognition system solely for use on and within
126 the property owned or controlled by the property owner. A
127 private property owner that installs or directs the installation
128 of such a system:

129 (a) May not access vehicle registration or title data for
130 vehicles identified by the system, unless the private property
131 owner is acting to the extent permitted by the Driver's Privacy
132 Protection Act, 18 U.S.C. ss. 2721-2725, or for the limited
133 purpose of providing notice to a vehicle owner that he or she
134 failed to pay for parking and that such failure has resulted in
135 a parking charge pursuant to s. 715.075.

136 (b) May not share or sell images, personal identifying
137 information, vehicle identification numbers or license plate
138 numbers, or any data that could be reasonably connected to an

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139 individual which is collected or generated by the system,
140 except:
141 1. To the extent required to respond to a lawful request
142 from a criminal justice agency;
143 2. To the extent required to control or enforce access to
144 the property or for parking enforcement; or
145 3. To the extent sharing such information is necessary to
146 report suspicious activity or suspected criminal activity to a
147 criminal justice agency.
148 4. To the extent permitted by the Driver's Privacy
149 Protection Act, 18 U.S.C. ss. 2721-2725.
150 (c) Must contractually obligate any third party that
151 installs, maintains, or operates the system or receives
152 information pursuant to subparagraph (b)2. to protect the images
153 or data collected or generated by the system from disclosure,
154 including a prohibition on sharing or selling such images or
155 data, except to the extent authorized under paragraph (b).
156 (d) Must implement, and must contractually obligate any
157 third party that installs, maintains, or operates the system or
158 receives information pursuant to subparagraph (b)2. to
159 implement:
160 1. Industry-recognized encryption protocols to ensure that
161 images and associated data collected or generated by the system
162 are encrypted in transmission and at rest.

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163 2. An auditable access control system that records access
164 to images and associated data.

165 3. A data retention schedule that provides for deletion of
166 images and data no later than 30 days after the images or data
167 is collected or generated by the system, except to the extent
168 needed to comply with a court order, subpoena, or the appeal
169 process detailed in s. 715.075(1)(c) and (d) or to collect an
170 unpaid invoice for parking enforcement. Records detailing
171 disclosure logs or transaction information may be retained
172 longer in accordance with federal law.

173 (e) May not offer or provide as payment or other
174 consideration any portion of the proceeds derived from a fine or
175 charge imposed based on images or data collected or generated by
176 the system to any third party that installs, maintains, or
177 operates the system, except to the extent the fine or violation
178 is issued in connection with controlling or enforcing access to
179 such property or for parking enforcement.

180 (7) A person who uses or releases information in violation
181 of this section commits a noncriminal infraction, punishable by
182 a fine not exceeding \$2,000.

183 **Section 7. Effective upon this act becoming a law,**
184 **subsection (20) of section 316.173, Florida Statutes, is**
185 **renumbered as subsection (21), subsections (1) and (4),**
186 **paragraphs (b) and (c) of subsection (6), paragraph (a) of**
187 **subsection (17), paragraph (a) of subsection (18), and**

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188 **subsection (19) are amended, and a new subsection (20) is added**
189 **to that section, to read:**

190 316.173 School bus infraction detection systems.—

191 (1) (a) As used in this section, the term "school district"
192 includes only educational institutions governed by:

193 1. Section 4, Art. IX of the State Constitution.

194 2. Section 1002.01(3).

195 3. Section 1002.33.

196 4. Federally funded Head Start programs.

197 (b) A school district may install and operate a school bus
198 infraction detection system on a school bus for the purpose of
199 enforcing s. 316.172(1) (a) and (b) as provided in and consistent
200 with this section.

201 (c) ~~(b)~~ The school district may contract with a private
202 vendor or manufacturer to install a school bus infraction
203 detection system on any school bus within its fleet, whether
204 owned, contracted, or leased, and for services including, but
205 not limited to, the installation, operation, and maintenance of
206 the system. Notwithstanding any other provision of law, a
207 private school bus contractor that provides busing services for
208 a school district may not charge a fee or receive remuneration
209 from a district, or a private vendor or manufacturer of a school
210 bus infraction detection system with respect to installation,
211 operation, or maintenance of a system, and may not unreasonably
212 impede installation, operation, or maintenance of a system if

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213 selected by the school district. The school district's decision
214 to install school bus infraction detection systems must be based
215 solely on the need to increase public safety. An individual may
216 not receive a commission from any revenue collected from
217 violations detected through the use of a school bus infraction
218 detection system. A private vendor or manufacturer may not
219 receive a fee or remuneration based upon the number of
220 violations detected through the use of a school bus infraction
221 detection system. This paragraph may not be construed to
222 prohibit a private vendor or manufacturer from receiving a fixed
223 amount of collected proceeds for service rendered in relation to
224 the installation, operation, or maintenance of school bus
225 infraction detection systems.

226 (d)~~(e)~~ The school district must ensure that each school
227 bus infraction detection system meets the requirements of
228 subsection (19).

229 (e)~~(d)~~ The school district must enter into an interlocal
230 agreement with one or more law enforcement agencies authorized
231 to enforce violations of s. 316.172(1)(a) and (b) within the
232 school district which jointly establishes the responsibilities
233 of enforcement and the reimbursement of costs associated with
234 school bus infraction detection systems consistent with this
235 section.

236 (f) Review of information from a school bus infraction
237 detection system by an authorized employee or a designee of the

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238 school district or law enforcement agency is not prohibited
239 before issuance of a notice of violation or uniform traffic
240 citation.

241 (4) Within 30 days after an alleged violation of s.
242 316.172(1)(a) or (b) is recorded by a school bus infraction
243 detection system, the school district or the private vendor or
244 manufacturer under paragraph (1)(c) ~~paragraph (1)(b)~~ must submit
245 the following information to a law enforcement agency that has
246 entered into an interlocal agreement with the school district
247 pursuant to paragraph (1)(e) ~~paragraph (1)(d)~~ and has traffic
248 infraction enforcement jurisdiction at the location where the
249 alleged violation occurred:

250 (a) A copy of the recorded video and images showing the
251 motor vehicle allegedly violating s. 316.172(1)(a) or (b).

252 (b) The motor vehicle's license plate number and the state
253 of issuance of the motor vehicle's license plate.

254 (c) The date, time, and location of the alleged violation.

255 (6)

256 (b) Procedures for an administrative hearing conducted
257 under this subsection are as follows:

258 1. The department shall make available electronically to
259 the school district or its designee or the county a Request for
260 Hearing form to assist each district or county with
261 administering this subsection.

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262 2. The school district shall assign existing staff or a
263 designee to serve as the clerk to the local hearing officer. A
264 person, referred to in this paragraph as the petitioner, who
265 elects to request a hearing under this subsection shall be
266 scheduled for a hearing by the clerk to the local hearing
267 officer. The hearing may be conducted either virtually via live
268 video conferencing or in person.

269 3. Within 120 days after receipt of a timely request for a
270 hearing, the law enforcement agency or its designee shall
271 provide a replica of the notice of violation data to the school
272 district or county by manual or electronic transmission, and
273 thereafter the school district or its designee or the county
274 shall mail a notice of hearing, which shall include a hearing
275 date and may at the discretion of the district or county include
276 virtual and in-person hearing options, to the petitioner by
277 first-class mail. Mailing of the notice of hearing constitutes
278 notification. Upon receipt of the notice of hearing, the
279 petitioner may reschedule the hearing twice ~~once~~ by submitting a
280 written request to the local hearing officer at least 5 calendar
281 days before the day of the ~~originally~~ scheduled hearing. The
282 petitioner may cancel his or her hearing by paying the penalty
283 assessed in the notice of violation.

284 4. All testimony at the hearing shall be under oath. The
285 local hearing officer shall take testimony from a representative
286 of the law enforcement agency and the petitioner, and may take

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287 testimony from others. The local hearing officer shall review
288 the video and images recorded by a school bus infraction
289 detection system. Formal rules of evidence do not apply, but due
290 process shall be observed and govern the proceedings.

291 5. At the conclusion of the hearing, the local hearing
292 officer shall determine by a preponderance of the evidence
293 whether a violation has occurred and shall uphold or dismiss the
294 violation. The local hearing officer shall issue a final
295 administrative order including the determination and, if the
296 notice of violation is upheld, require the petitioner to pay the
297 civil penalty previously assessed in the notice of violation,
298 and shall also require the petitioner to pay costs, not to
299 exceed \$250 ~~those established in s. 316.0083(5)(e)~~, to be used
300 by the county for operational costs relating to the hearing
301 process or by the school district for technology and operational
302 costs relating to the hearing process as well as school
303 transportation safety-related initiatives. The final
304 administrative order shall be mailed to the petitioner by first-
305 class mail. Mailing of the final administrative order
306 constitutes notification.

307 6. An aggrieved party may appeal a final administrative
308 order consistent with the process provided in s. 162.11.

309 (c) Notwithstanding any other provision of law, any
310 hearing for a contested notice of violation, or uniform traffic
311 citation that is pending issuance, that has not occurred ~~been~~

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312 ~~conducted~~ before July 1, 2025, may be conducted or issued
313 pursuant to the procedures in this section ~~subsection~~ within 2
314 years ~~1-year~~ after such date.

315 (17) (a)1. A school bus infraction detection system may not
316 be used for remote surveillance. The collection of evidence by a
317 school bus infraction detection system to enforce violations of
318 s. 316.172 does not constitute remote surveillance.

319 2. Notwithstanding any other provision of law, video and
320 images recorded as part of a school bus infraction detection
321 system may only be used for traffic enforcement and for purposes
322 of determining criminal or civil liability for incidents
323 captured by the school bus infraction detection system
324 incidental to the permissible use of the school bus infraction
325 detection system.

326 3. To the extent practicable, a school bus infraction
327 detection system must use necessary technology to ensure that
328 personal identifying information contained in the video or still
329 images recorded by the system which is not relevant to the
330 alleged violation, including, but not limited to, the identity
331 of the driver and any passenger of a motor vehicle, the interior
332 or contents of a motor vehicle, the identity of an uninvolved
333 person, a number identifying the address of a private residence,
334 and the contents or interior of a private residence, is
335 sufficiently obscured so as not to reveal such personal
336 identifying information.

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337 4. A notice of a violation or uniform traffic citation
338 issued under this section may not be dismissed solely because a
339 recorded video or still images reveal personal identifying
340 information as provided in subparagraph 3. as long as a
341 reasonable effort has been made to comply with this subsection.

342 (18) (a) By October 1, 2023, and annually ~~quarterly~~
343 thereafter, each school district operating a school bus
344 infraction detection system must submit, in consultation with
345 the law enforcement agencies with which it has interlocal
346 agreements pursuant to this section, a report to the department
347 which details the results of the school bus infraction detection
348 systems in the school district in the preceding state fiscal
349 year ~~quarter~~. The department shall publish each report on its
350 website. The information from the school districts must be
351 submitted in a form and manner determined by the department,
352 ~~which the department must make available to the school districts~~
353 ~~by August 1, 2023,~~ and must include at least the following:

354 1. The number of school buses that have a school bus
355 infraction detection system installed, including the date of
356 installation and, if applicable, the date the systems were
357 removed.

358 2. The number of notices of violations issued, the number
359 that were contested, the number that were upheld, the number
360 that were dismissed, the number that were issued as uniform
361 traffic citations, and the number that were paid.

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362 3. Data for each infraction to determine locations in need
363 of safety improvements. Such data may include, but is not
364 limited to, global positioning system coordinates of the
365 infraction, the date and time of the infraction, and the name of
366 the school that the school bus was transporting students to or
367 from.

368 4. Any other statistical data and information required by
369 the department to complete the report required by paragraph (c).

370 (19) A school bus infraction detection system must meet
371 specifications established by the State Board of Education and
372 must be tested at regular intervals according to specifications
373 prescribed by state board rule. The state board must establish
374 such specifications by rule on or before December 31, 2023.
375 However, any such equipment acquired by purchase, lease, or
376 other arrangement under an agreement entered into by a school
377 district on or before December 31, 2023, is not required to meet
378 the specifications established by the state board until July 1,
379 2024. In any proceeding challenging a violation of s.
380 316.172(1)(a) or (b), there is a rebuttable presumption that a
381 school bus infraction detection system complies with and meets
382 all required specifications.

383 (20) If a school district, as established in s. 4, Art. IX
384 of the State Constitution, has contracted with a private vendor
385 or manufacturer to install school bus infraction detection
386 systems for school buses for public schools pursuant to this

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387 section, then charter schools and private schools within the
388 geographic area of that school district may enter into separate
389 contracts for the installation of school bus infraction
390 detection systems with the same vendor or manufacturer. However,
391 if the school district terminates all contracts for school bus
392 infraction detection systems with a vendor or manufacturer, any
393 contracts entered into by such charter schools or private
394 schools are immediately terminated. Only school buses that meet
395 the Florida School Bus Specifications adopted by the State Board
396 of Education may use school infraction detection systems as
397 provided in this subsection.

398 **Section 8. Subsection (2) of section 316.183, Florida**
399 **Statutes, is amended to read:**

400 316.183 Unlawful speed.—

401 (2) On all streets or highways, the maximum speed limits
402 for all vehicles must be 30 miles per hour in business or
403 residence districts, and 55 miles per hour at any time at all
404 other locations. However, with respect to a residence district,
405 a county or municipality may set a lower maximum speed limit ~~of~~
406 ~~20 or 25 miles per hour~~ on local streets and highways after an
407 investigation determines that such a limit is reasonable. It is
408 not necessary to conduct a separate investigation for each
409 residence district. The minimum speed limit on all highways that
410 comprise a part of the National System of Interstate and Defense
411 Highways and have not fewer than four lanes is 40 miles per

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412 hour, except that when the posted speed limit is 70 miles per
413 hour, the minimum speed limit is 50 miles per hour.

414 **Section 9. Paragraph (a) of subsection (2) of section**
415 **316.189, Florida Statutes, is amended to read:**

416 316.189 Establishment of municipal and county speed
417 zones.—

418 (2) SPEED ON COUNTY ROADS.—The maximum speed on any
419 county-maintained road is:

420 (a) In any business or residence district, 30 miles per
421 hour in the daytime or nighttime; provided that with respect to
422 residence districts a county may set a lower maximum speed limit
423 ~~of 25 miles per hour~~ after an investigation determines that such
424 a limit is reasonable; and it shall not be necessary to conduct
425 a separate investigation in each residence district.

426
427 However, the board of county commissioners may set speed zones
428 altering such speeds, both as to maximum and minimum, after
429 investigation determines such a change is reasonable and in
430 conformity to criteria promulgated by the Department of
431 Transportation, except that no such speed zone shall permit a
432 speed of more than 60 miles per hour.

433 **Section 10. Subsection (6) of section 316.1895, Florida**
434 **Statutes, is amended to read:**

435 316.1895 Establishment of school speed zones, enforcement;
436 designation.—

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437 (6) Permanent signs designating school zones and school
438 zone speed limits shall be uniform in size and color, and shall
439 have the times during which the restrictive speed limit is
440 enforced clearly designated thereon. Flashing beacons activated
441 by a time clock, or other automatic device, or manually
442 activated may be used as an alternative to posting the times
443 during which the restrictive school speed limit is enforced.
444 However, if a restricted school zone speed limit is enforced
445 through a speed detection system as provided in s. 316.1896,
446 then the school zone and restricted school zone speed limit must
447 be designated using flashing beacons. Beginning July 1, 2008,
448 for any newly established school zone or any school zone in
449 which the signing has been replaced, a sign stating "Speeding
450 Fines Doubled" shall be installed within the school zone. The
451 Department of Transportation shall establish adequate standards
452 for the signs and flashing beacons.

453 **Section 11. Subsections (1), (2), (3), (6), and (8),**
454 **paragraph (a) of subsection (15), and paragraph (a) of**
455 **subsection (16) of section 316.1896, Florida Statutes, are**
456 **amended to read:**

457 316.1896 Roadways maintained as school zones; speed
458 detection system enforcement; penalties; appeal procedure;
459 privacy; reports.-

460 (1) For purposes of administering this section, a county
461 or municipality may authorize a traffic infraction enforcement

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462 officer under s. 316.640 to issue uniform traffic citations for
463 violations of ss. 316.1895 and 316.183 as authorized by s.
464 316.008(9), as follows:

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

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

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

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

480

481 Such violation must be evidenced by a speed detection system
482 described in ss. 316.008(9) and 316.0776(3). This subsection
483 does not prohibit a review of information from a speed detection
484 system by an authorized employee or agent of a county or
485 municipality before issuance of the uniform traffic citation by
486 the traffic infraction enforcement officer. This subsection does

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487 not prohibit a county or municipality from issuing notices as
 488 provided in subsection (2) to the registered owner of the motor
 489 vehicle for a violation of s. 316.1895 or s. 316.183. The
 490 restricted school zone speed limit may only be enforced through
 491 the use of a speed detection system when any flashing beacon
 492 used to provide notice of the restricted school zone speed limit
 493 is activated. For speed detection systems installed before July
 494 1, 2026, capturing the beacon status photographically, on video,
 495 or by other evidence is not required for proof of the beacon
 496 status until January 1, 2028. An area maintained as a school
 497 zone that has no beacon installed before July 1, 2026, has until
 498 January 1, 2028, to place and install a beacon and, until the
 499 beacon is installed, the county or municipality may provide
 500 proof of the restricted school zone speed limit in force at the
 501 time of violation without evidence of the beacon status.

T I T L E A M E N D M E N T

504 Remove line 50 and insert:
 505 times to enforce the restricted school zone speed
 506 limit through a
 507

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