

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 | traffic citations for certain violations; providing
34 | construction; providing notification requirements and
35 | procedures; authorizing a person who receives a
36 | notification of violation to request a hearing within
37 | a specified timeframe; defining the term "person";
38 | providing for waiver of challenge or dispute as to the
39 | delivery of the notification of violation; requiring a
40 | county or municipality to pay certain funds to the
41 | Department of Revenue; providing for the distribution
42 | of funds; providing requirements for issuance of a
43 | traffic citation; providing for waiver of challenge or
44 | dispute as to the delivery of the traffic citation;
45 | providing notification requirements and procedures;
46 | specifying that the registered owner of a motor
47 | vehicle is responsible and liable for paying a traffic
48 | citation; providing exceptions; requiring an owner of
49 | a motor vehicle to furnish an affidavit under certain
50 | circumstances; specifying requirements for such

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

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

74 prohibiting points from being imposed against a driver
75 license for certain infractions enforced by a traffic

76 | infraction enforcement officer; prohibiting such
 77 | infractions from being used to set motor vehicle
 78 | insurance rates; amending ss. 316.306, 316.640,
 79 | 316.650, 318.14, 318.21, and 655.960, F.S.; conforming
 80 | cross-references and provisions to changes made by the
 81 | act; providing an effective date.

82 |
 83 | Be It Enacted by the Legislature of the State of Florida:

84 |
 85 | Section 1. Subsections (82) through (109) of section
 86 | 316.003, Florida Statutes, are renumbered as subsections (83)
 87 | through (110), respectively, subsections (38) and (64) are
 88 | amended, and a new subsection (82) is added to that section, to
 89 | read:

90 | 316.003 Definitions.—The following words and phrases, when
 91 | used in this chapter, shall have the meanings respectively
 92 | ascribed to them in this section, except where the context
 93 | otherwise requires:

94 | (38) LOCAL HEARING OFFICER.—The person, designated by a
 95 | department, county, or municipality that elects to authorize
 96 | traffic infraction enforcement officers to issue traffic
 97 | citations under ss. 316.0083(1)(a) and 316.1896(1) ~~s.~~
 98 | ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to
 99 | a notice of violation issued pursuant to s. 316.0083 or s.
 100 | 316.1896. The charter county, noncharter county, or municipality

101 may use its currently appointed code enforcement board or
 102 special magistrate to serve as the local hearing officer. The
 103 department may enter into an interlocal agreement to use the
 104 local hearing officer of a county or municipality.

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

110 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
 111 system used to detect a motor vehicle's speed using radar and to
 112 capture a photograph or video of the rear of a motor vehicle
 113 that exceeds the speed limit in force at the time of the
 114 violation.

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

117 316.008 Powers of local authorities.—

118 (9)(a) A county or municipality may enforce the speed
 119 limit on a roadway properly maintained as a school zone pursuant
 120 to s. 316.1895:

121 1. Within 30 minutes before the start of a regularly
 122 scheduled breakfast program;

123 2. Within 30 minutes before the start of a regularly
 124 scheduled school session;

125 3. During the entirety of a regularly scheduled school

126 session at the posted speed limit; and
127 4. Within 30 minutes after the end of a regularly
128 scheduled school session
129
130 through the use of a speed detection system for the detection of
131 speed and capturing of photographs or videos for violations in
132 excess of 10 miles per hour over the school zone speed limit. A
133 school zone's compliance with s. 316.1895 creates a rebuttable
134 presumption that the school zone is properly maintained.
135 (b) A county or municipality may place or install, or
136 contract with a vendor to place or install, a speed detection
137 system within a roadway maintained as a school zone as provided
138 in s. 316.1895 to enforce unlawful speed violations, as
139 specified in s. 316.1895(10), on that roadway.
140 Section 3. Subsection (3) is added to section 316.0776,
141 Florida Statutes, to read:
142 316.0776 Traffic infraction detectors; speed detection
143 systems; placement and installation.-
144 (3) A speed detection system authorized by s. 316.008(9)
145 may be placed or installed in a school zone on a state road when
146 permitted by the Department of Transportation and in accordance
147 with placement and installation specifications developed by the
148 Department of Transportation. The speed detection system may be
149 placed or installed in a school zone on a street or highway
150 under the jurisdiction of a county or a municipality in

151 accordance with placement and installation specifications
152 established by the Department of Transportation. The Department
153 of Transportation shall establish such placement and
154 installation specifications by August 1, 2023.

155 (a) If a county or municipality places or installs a speed
156 detection system as authorized by s. 316.008(9), the county or
157 municipality must notify the public that a speed detection
158 system may be in use by posting signage indicating photographic
159 or video enforcement of the school zone speed limit. Such
160 signage shall clearly designate the time period during which the
161 school zone speed limit is enforced using a speed detection
162 system and must meet the placement and installation
163 specifications established by the Department of Transportation.
164 For a speed detection system enforcing violations of s. 316.1895
165 on a roadway maintained as a school zone, this paragraph shall
166 govern the signage notifying the public of the use of a speed
167 detection system.

168 (b) If a county or municipality begins a school zone speed
169 detection system program in a county or municipality that has
170 never conducted such a program, the respective county or
171 municipality shall make a public announcement and conduct a
172 public awareness campaign of the proposed use of speed detection
173 systems at least 30 days before commencing enforcement under the
174 speed detection system program and notify the public of the
175 specific date on which the program will commence. During the

176 public awareness campaign, only a warning may be issued to the
177 registered owner of a motor vehicle for a violation of s.
178 316.1895 enforced by a speed detection system, and liability may
179 not be imposed for the civil penalty under s. 318.18(3) (d).

180 Section 4. Section 316.1894, Florida Statutes, is created
181 to read:

182 316.1894 School Crossing Guard Recruitment and Retention
183 Program.—The law enforcement agency having jurisdiction over a
184 county or municipality conducting a school zone speed detection
185 system program authorized by s. 316.008(9) shall use funds
186 generated pursuant to s. 316.1896(5) (e) from the school zone
187 speed detection system program to administer the School Crossing
188 Guard Recruitment and Retention Program. Such program may
189 provide recruitment and retention stipends to crossing guards at
190 K-12 public schools, including charter schools, or stipends to
191 third parties for the recruitment of new crossing guards. The
192 School Crossing Guard Recruitment and Retention Program shall be
193 designed and managed at the discretion of the law enforcement
194 agency.

195 Section 5. Section 316.1896, Florida Statutes, is created
196 to read:

197 316.1896 Roadways maintained as school zones; speed
198 detection system enforcement; penalties; appeal procedure;
199 privacy; reports.—

200 (1) For purposes of administering this section, a county

201 or municipality may authorize a traffic infraction enforcement
 202 officer under s. 316.640 to issue a traffic citation for a
 203 violation of the school zone speed limit as authorized by s.
 204 316.008(9), as follows:

205 (a) For a violation of s. 316.1895 in excess of 10 miles
 206 per hour over the school zone speed limit which occurs within 30
 207 minutes before the start of a regularly scheduled breakfast
 208 program.

209 (b) For a violation of s. 316.1895 in excess of 10 miles
 210 per hour over the school zone speed limit which occurs within 30
 211 minutes before the start of a regularly scheduled school
 212 session.

213 (c) For a violation of s. 316.1895 in excess of 10 miles
 214 per hour over the posted speed limit during the entirety of a
 215 regularly scheduled school session.

216 (d) For a violation of s. 316.1895 in excess of 10 miles
 217 per hour over the school zone speed limit which occurs within 30
 218 minutes after the end of a regularly scheduled school session.

219
 220 Such violation must be evidenced by a speed detection system
 221 described in ss. 316.008(9) and 316.0776(3). This subsection
 222 does not prohibit a review of information from a speed detection
 223 system by an authorized employee or agent of a county or
 224 municipality before issuance of the traffic citation by the
 225 traffic infraction enforcement officer. This subsection does not

226 prohibit a county or municipality from issuing notifications as
 227 provided in subsection (2) to the registered owner of the motor
 228 vehicle for a violation of s. 316.1895.

229 (2) Within 30 days after a violation, notification must be
 230 sent to the registered owner of the motor vehicle involved in
 231 the violation specifying the remedies available under s. 318.14
 232 and that the violator must pay the penalty under s. 318.18(3)(d)
 233 to the county or municipality, or furnish an affidavit in
 234 accordance with subsection (8), within 30 days after the date of
 235 the notification of violation in order to avoid court fees,
 236 costs, and the issuance of a traffic citation. The notification
 237 of violation must:

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

239 (b) Include a photograph or other recorded image showing
 240 the license plate of the motor vehicle; the date, time, and
 241 location of the violation; the maximum speed at which the motor
 242 vehicle was traveling within the school zone; and the speed
 243 limit within the school zone at the time of the violation.

244 (c) Include a notice that the owner has the right to
 245 review, in person or remotely, the photograph or video captured
 246 by the speed detection system and the evidence of the speed of
 247 the motor vehicle detected by the speed detection system which
 248 constitute a rebuttable presumption that the motor vehicle was
 249 used in violation of s. 316.1895.

250 (d) State the time when, and the place or website at

251 which, the photograph or video captured and evidence of speed
252 detected may be examined and observed.

253 (3) Notwithstanding any other law, a person who receives a
254 notification of violation under this section may request a
255 hearing within 30 days after the notification of violation or
256 may pay the penalty pursuant to the notification of violation,
257 but a payment or fee may not be required before the hearing
258 requested by the person. The notification of violation must be
259 accompanied by, or direct the person to a website that provides,
260 information on the person's right to request a hearing and on
261 all court costs related thereto and a form used for requesting a
262 hearing. As used in this subsection, the term "person" includes
263 a natural person, the registered owner or co-owner of a motor
264 vehicle, or the person identified in an affidavit as having
265 actual care, custody, or control of the motor vehicle at the
266 time of the violation.

267 (4) If the registered owner or co-owner of the motor
268 vehicle; the person identified as having care, custody, or
269 control of the motor vehicle at the time of the violation; or an
270 authorized representative of the owner, co-owner, or identified
271 person initiates a proceeding to challenge the violation, such
272 person waives any challenge or dispute as to the delivery of the
273 notification of violation.

274 (5) Penalties assessed and collected by the county or
275 municipality authorized to collect the funds provided for in

276 this section, less the amount retained by the county or
277 municipality pursuant to paragraph (b) and paragraph (e) and the
278 amount remitted to the county school district pursuant to
279 paragraph (d), shall be paid to the Department of Revenue
280 weekly. Such payment must be made by means of electronic funds
281 transfer. In addition to the payment, a detailed summary of the
282 penalties remitted shall be reported to the Department of
283 Revenue. Penalties to be assessed and collected by the county or
284 municipality as established in s. 318.18(3)(d) shall be remitted
285 as follows:

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

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

291 (c) Three dollars shall be remitted to the Department of
292 Revenue for deposit into the Department of Law Enforcement
293 Criminal Justice Standards and Training Trust Fund.

294 (d) Twelve dollars shall be remitted to the county school
295 district in which the violation occurred and shall be used for
296 school security initiatives, for student transportation, or to
297 improve the safety of student walking conditions. Funds remitted
298 under this paragraph shall be shared with charter schools in the
299 district based on each charter school's proportionate share of
300 the district's total unweighted full-time equivalent student

301 enrollment and shall be used for school security initiatives or
 302 to improve the safety of student walking conditions.

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

306 (6) A traffic citation shall be issued by mailing the
 307 traffic citation by certified mail to the address of the
 308 registered owner of the motor vehicle involved in the violation
 309 if payment has not been made within 30 days after notification
 310 under subsection (2), if the registered owner has not requested
 311 a hearing as authorized under subsection (3), and if the
 312 registered owner has not submitted an affidavit in accordance
 313 with subsection (8).

314 (a) Delivery of the traffic citation constitutes
 315 notification of a violation under this subsection. If the
 316 registered owner or co-owner of the motor vehicle; the person
 317 identified as having care, custody, or control of the motor
 318 vehicle at the time of the violation; or a duly authorized
 319 representative of the owner, co-owner, or identified person
 320 initiates a proceeding to challenge the citation pursuant to
 321 this section, such person waives any challenge or dispute as to
 322 the delivery of the traffic citation.

323 (b) In the case of joint ownership of a motor vehicle, the
 324 traffic citation shall be mailed to the first name appearing on
 325 the motor vehicle registration, unless the first name appearing

326 on the registration is a business organization, in which case
327 the second name appearing on the registration may be used.

328 (c) The traffic citation mailed to the registered owner of
329 the motor vehicle involved in the infraction must be accompanied
330 by the information described in paragraphs (2)(b), (2)(c), and
331 (2)(d).

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

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

338 (b) A uniform traffic citation was issued by law
339 enforcement to the driver of the motor vehicle for the alleged
340 violation of s. 316.1895; or

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

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

351 under subsection (7).

352 (a) An affidavit supporting the exemption under paragraph
353 (7) (a) must include the name, address, date of birth, and, if
354 known, the driver license number of the person who leased,
355 rented, or otherwise had care, custody, or control of the motor
356 vehicle at the time of the alleged violation. If the motor
357 vehicle was stolen at the time of the alleged violation, the
358 affidavit must include the police report indicating that the
359 motor vehicle was stolen.

360 (b) If a uniform traffic citation for a violation of s.
361 316.1895 was issued at the location of the violation by a law
362 enforcement officer, the affidavit must include the serial
363 number of the uniform traffic citation.

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

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

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

376 the alleged violation.

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

381
382 Upon receipt of the affidavit and documentation required under
383 paragraphs (b) and (c), or 30 days after the date of issuance of
384 a notice of violation sent to a person identified as having
385 care, custody, or control of the motor vehicle at the time of
386 the violation under paragraph (a), the county or municipality
387 must dismiss the notice or citation and provide proof of such
388 dismissal to the person who submitted the affidavit. If, within
389 30 days after the date of a notice of violation sent to a person
390 under subsection (9), the county or municipality receives an
391 affidavit under subsection (10) from the person sent a notice of
392 violation affirming that the person did not have care, custody,
393 or control of the motor vehicle at the time of the violation,
394 the county or municipality shall notify the registered owner
395 that the notice or citation will not be dismissed due to failure
396 to establish that another person had care, custody, or control
397 of the motor vehicle at the time of the violation.

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

401 time of the violation a notification of violation pursuant to
 402 subsection (2) for a violation of s. 316.1895. The affidavit is
 403 admissible in a proceeding pursuant to this section for the
 404 purpose of providing evidence that the person identified in the
 405 affidavit was in actual care, custody, or control of the motor
 406 vehicle. The owner of a leased motor vehicle for which a traffic
 407 citation is issued for a violation of s. 316.1895 is not
 408 responsible for paying the traffic citation and is not required
 409 to submit an affidavit as specified in subsection (8) if the
 410 motor vehicle involved in the violation is registered in the
 411 name of the lessee of such motor vehicle.

412 (10) If a county or municipality receives an affidavit
 413 under paragraph (8)(a), the notification of violation required
 414 under subsection (2) must be sent to the person identified in
 415 the affidavit within 30 days after receipt of the affidavit. The
 416 person identified in an affidavit and sent a notice of violation
 417 may also affirm that he or she did not have care, custody, or
 418 control of the motor vehicle at the time of the violation by
 419 furnishing to the appropriate governmental entity within 30 days
 420 after the date of the notice of violation an affidavit stating
 421 such.

422 (11) The submission of a false affidavit is a misdemeanor
 423 of the second degree, punishable as provided in s. 775.082 or s.
 424 775.083.

425 (12) The photograph or video captured by a speed detection

426 system and the evidence of the speed of the motor vehicle
427 detected by a speed detection system which are attached to or
428 referenced in the traffic citation are evidence of a violation
429 of s. 316.1895 and are admissible in any proceeding to enforce
430 this section. The photograph or video and the evidence of speed
431 detected raise a rebuttable presumption that the motor vehicle
432 named in the report or shown in the photograph or video was used
433 in violation of s. 316.1895.

434 (13) This section supplements the enforcement of s.
435 316.1895 by a law enforcement officer and does not prohibit a
436 law enforcement officer from issuing a traffic citation for a
437 violation of s. 316.1895.

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

440 (a) The department shall publish and make available
441 electronically to each county and municipality a model request
442 for hearing form to assist each local government administering
443 this section.

444 (b) A county or municipality electing to authorize traffic
445 infraction enforcement officers to issue traffic citations under
446 subsection (6) shall designate by resolution existing staff to
447 serve as the clerk to the local hearing officer.

448 (c) A person, herein referred to as the "petitioner," who
449 elects to request a hearing under subsection (3) shall be
450 scheduled for a hearing by the clerk to the local hearing

451 officer. The clerk must furnish the petitioner with notice sent
452 by first-class mail. Upon receipt of the notice, the petitioner
453 may reschedule the hearing up to two times by submitting a
454 written request to reschedule to the clerk at least 5 calendar
455 days before the day of the scheduled hearing. The petitioner may
456 cancel his or her appearance before the local hearing officer by
457 paying the penalty assessed under subsection (2), plus the
458 administrative costs established in s. 316.0083(5)(c), before
459 the start of the hearing.

460 (d) All testimony at the hearing shall be under oath and
461 shall be recorded. The local hearing officer shall take
462 testimony from a traffic infraction enforcement officer and the
463 petitioner and may take testimony from others. The local hearing
464 officer shall review the photograph or video captured by the
465 speed detection system and the evidence of the speed of the
466 motor vehicle detected by the speed detection system made
467 available under paragraph (2)(b). Formal rules of evidence do
468 not apply, but due process shall be observed and govern the
469 proceedings.

470 (e) At the conclusion of the hearing, the local hearing
471 officer shall determine whether a violation under this section
472 occurred and shall uphold or dismiss the violation. The local
473 hearing officer shall issue a final administrative order
474 including the determination and, if the notification of
475 violation is upheld, require the petitioner to pay the penalty

476 previously assessed under subsection (2), and may also require
477 the petitioner to pay county or municipal costs not to exceed
478 the amount established in s. 316.0083(5)(e). The final
479 administrative order shall be mailed to the petitioner by first-
480 class mail.

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

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

486 2. Recorded images or photographs collected as part of a
487 speed detection system in a school zone may only be used to
488 document violations of s. 316.1895 and for purposes of
489 determining criminal or civil liability.

490 (b) Any recorded video or photograph obtained through the
491 use of a speed detection system must be destroyed within 90 days
492 after the final disposition of the recorded event. The vendor of
493 a speed detection system shall provide the county or
494 municipality with written notice by December 31 of each year
495 that such records have been destroyed in accordance with this
496 subsection.

497 (c) Notwithstanding any other law, registered motor
498 vehicle owner information obtained as a result of the operation
499 of a speed detection system in a school zone is not the property
500 of the manufacturer or vendor of the speed detection system and

501 may be used only for the purposes of this section.

502 (16) (a) Each county or municipality that operates a speed
503 detection system shall submit a report by October 1, 2024, and
504 annually thereafter, to the department which details the results
505 of the speed detection systems in school zones and the
506 procedures for enforcement in the preceding state fiscal year.
507 The information submitted by counties and municipalities must
508 include:

509 1. The locations of the speed detection systems, the date
510 the systems were activated to enforce violations of s. 316.1895,
511 and, if applicable, the date the systems were deactivated.

512 2. The number of notices of violations issued, the number
513 that were contested, and the number that were paid per state
514 fiscal year.

515 3. Any other statistical data and information required by
516 the department to complete the report required under paragraph
517 (b).

518 (b) On or before December 31, 2024, and annually
519 thereafter, the department shall submit a summary report to the
520 Governor, the President of the Senate, and the Speaker of the
521 House of Representatives regarding the use of speed detection
522 systems under this section, along with the department's
523 recommendations and any necessary legislation. The summary
524 report must include a review of the information submitted to the
525 department by the counties and municipalities and must describe

526 | the enhancement of traffic safety and enforcement programs.

527 | Section 6. Paragraph (d) of subsection (1) of section
 528 | 316.1906, Florida Statutes, is amended, and subsection (3) is
 529 | added to that section, to read:

530 | 316.1906 Radar speed-measuring devices; speed detection
 531 | systems; evidence, admissibility.—

532 | (1) DEFINITIONS.—

533 | (d) "Officer" means any:

534 | 1. "Law enforcement officer" who is elected, appointed, or
 535 | employed full time by any municipality or the state or any
 536 | political subdivision thereof; who is vested with the authority
 537 | to bear arms and make arrests; and whose primary responsibility
 538 | is the prevention and detection of crime or the enforcement of
 539 | the penal, criminal, traffic, or highway laws of the state;

540 | 2. "Part-time law enforcement officer" who is employed or
 541 | appointed less than full time, as defined by an employing
 542 | agency, with or without compensation; who is vested with
 543 | authority to bear arms and make arrests; and whose primary
 544 | responsibility is the prevention and detection of crime or the
 545 | enforcement of the penal, criminal, traffic, or highway laws of
 546 | the state; ~~or~~

547 | 3. "Auxiliary law enforcement officer" who is employed or
 548 | appointed, with or without compensation; who aids or assists a
 549 | full-time or part-time law enforcement officer; and who, while
 550 | under the direct supervision of a full-time or part-time law

551 enforcement officer, has the authority to arrest and perform law
552 enforcement functions; or

553 4. "Traffic infraction enforcement officer" who is
554 employed or appointed and satisfies the requirements of s.
555 316.640(5), with or without compensation, and who is vested with
556 authority to enforce a violation of s. 316.1895 pursuant to s.
557 316.1896.

558 (3) A speed detection system is exempt from the design
559 requirements for radar units established by the department. A
560 speed detection system must have the ability to perform self-
561 tests as to its detection accuracy. The system must perform a
562 self-test at least once every 30 days. The law enforcement
563 agency, or an agent acting on behalf of the law enforcement
564 agency, operating a speed detection system shall maintain a log
565 of the results of the system's self-tests. The law enforcement
566 agency, or an agent acting on behalf of the law enforcement
567 agency, operating a speed detection system shall also perform an
568 independent calibration test on the speed detection system at
569 least once every 12 months. The self-test logs, as well as the
570 results of the annual calibration test, are admissible in any
571 court proceeding for a traffic citation issued for a violation
572 of s. 316.1895 enforced pursuant to s. 316.1896. Notwithstanding
573 subsection (2), evidence of the speed of a motor vehicle
574 detected by a speed detection system compliant with this
575 subsection and the determination by a traffic enforcement

576 officer that a motor vehicle is operating in excess of the
 577 applicable speed limit shall be admissible in any proceeding
 578 with respect to an alleged violation of law regulating the speed
 579 of motor vehicles in school zones.

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

584 318.18 Amount of penalties.—The penalties required for a
 585 noncriminal disposition pursuant to s. 318.14 or a criminal
 586 offense listed in s. 318.17 are as follows:

587 (3)

588 (d) Notwithstanding paragraphs (b) and (c), a person cited
 589 for exceeding the speed limit in force at the time of the
 590 violation on a roadway maintained as a school zone as provided
 591 in s. 316.1895, when enforced by a traffic infraction
 592 enforcement officer pursuant to s. 316.1896, shall pay a fine of
 593 \$100.

594 Section 8. Paragraph (d) of subsection (3) of section
 595 322.27, Florida Statutes, is amended to read:

596 322.27 Authority of department to suspend or revoke driver
 597 license or identification card.—

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

601 such violations involve the use of motor vehicles, for the
 602 determination of the continuing qualification of any person to
 603 operate a motor vehicle. The department is authorized to suspend
 604 the license of any person upon showing of its records or other
 605 good and sufficient evidence that the licensee has been
 606 convicted of violation of motor vehicle laws or ordinances, or
 607 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 608 more points as determined by the point system. The suspension
 609 shall be for a period of not more than 1 year.

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

- 613 1. Reckless driving, willful and wanton—4 points.
- 614 2. Leaving the scene of a crash resulting in property
 615 damage of more than \$50—6 points.
- 616 3. Unlawful speed, or unlawful use of a wireless
 617 communications device, resulting in a crash—6 points.
- 618 4. Passing a stopped school bus:
 - 619 a. Not causing or resulting in serious bodily injury to or
 620 death of another—4 points.
 - 621 b. Causing or resulting in serious bodily injury to or
 622 death of another—6 points.
- 623 5. Unlawful speed:
 - 624 a. Not in excess of 15 miles per hour of lawful or posted
 625 speed—3 points.

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

628 c. No points shall be imposed for a violation of unlawful
629 speed as provided in s. 316.1895 when enforced by a traffic
630 infraction enforcement officer pursuant to s. 316.1896. In
631 addition, a violation of s. 316.1895 when enforced by a traffic
632 infraction enforcement officer pursuant to s. 316.1896 may not
633 be used for purposes of setting motor vehicle insurance rates.

634 6. A violation of a traffic control signal device as
635 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
636 However, no points shall be imposed for a violation of s.
637 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
638 stop at a traffic signal and when enforced by a traffic
639 infraction enforcement officer. In addition, a violation of s.
640 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
641 stop at a traffic signal and when enforced by a traffic
642 infraction enforcement officer may not be used for purposes of
643 setting motor vehicle insurance rates.

644 7. All other moving violations (including parking on a
645 highway outside the limits of a municipality)—3 points. However,
646 no points shall be imposed for a violation of s. 316.0741 or s.
647 316.2065(11); and points shall be imposed for a violation of s.
648 316.1001 only when imposed by the court after a hearing pursuant
649 to s. 318.14(5).

650 8. Any moving violation covered in this paragraph,

651 | excluding unlawful speed and unlawful use of a wireless
 652 | communications device, resulting in a crash—4 points.

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

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

655 | 11. A moving violation covered in this paragraph which is
 656 | committed in conjunction with the unlawful use of a wireless
 657 | communications device within a school safety zone—2 points, in
 658 | addition to the points assigned for the moving violation.

659 | Section 9. Paragraph (a) of subsection (3) of section
 660 | 316.306, Florida Statutes, is amended to read:

661 | 316.306 School and work zones; prohibition on the use of a
 662 | wireless communications device in a handheld manner.—

663 | (3)(a)1. A person may not operate a motor vehicle while
 664 | using a wireless communications device in a handheld manner in a
 665 | designated school crossing, school zone, or work zone area as
 666 | defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
 667 | shall only be applicable to work zone areas if construction
 668 | personnel are present or are operating equipment on the road or
 669 | immediately adjacent to the work zone area. For the purposes of
 670 | this paragraph, a motor vehicle that is stationary is not being
 671 | operated and is not subject to the prohibition in this
 672 | paragraph.

673 | 2. Effective January 1, 2020, a law enforcement officer
 674 | may stop motor vehicles and issue citations to persons who are
 675 | driving while using a wireless communications device in a

676 | handheld manner in violation of subparagraph 1.

677 | Section 10. Paragraph (a) of subsection (5) of section
678 | 316.640, Florida Statutes, is amended to read:

679 | 316.640 Enforcement.—The enforcement of the traffic laws
680 | of this state is vested as follows:

681 | (5)(a) Any sheriff's department or police department of a
682 | municipality may employ, as a traffic infraction enforcement
683 | officer, any individual who successfully completes instruction
684 | in traffic enforcement procedures and court presentation through
685 | the Selective Traffic Enforcement Program as approved by the
686 | Division of Criminal Justice Standards and Training of the
687 | Department of Law Enforcement, or through a similar program, but
688 | who does not necessarily otherwise meet the uniform minimum
689 | standards established by the Criminal Justice Standards and
690 | Training Commission for law enforcement officers or auxiliary
691 | law enforcement officers under s. 943.13. Any such traffic
692 | infraction enforcement officer who observes the commission of a
693 | traffic infraction or, in the case of a parking infraction, who
694 | observes an illegally parked vehicle may issue a traffic
695 | citation for the infraction when, based upon personal
696 | investigation, he or she has reasonable and probable grounds to
697 | believe that an offense has been committed which constitutes a
698 | noncriminal traffic infraction as defined in s. 318.14. In
699 | addition, any such traffic infraction enforcement officer may
700 | issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~

701 ~~316.0083~~. For purposes of enforcing ss. 316.0083 and 316.1895 ~~s.~~
 702 ~~316.0083~~, any sheriff's department or police department of a
 703 municipality may designate employees as traffic infraction
 704 enforcement officers. The traffic infraction enforcement
 705 officers must be physically located in the county of the
 706 respective sheriff's or police department.

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

709 316.650 Traffic citations.—

710 (3)(a) Except for a traffic citation issued pursuant to s.
 711 316.1001, ~~or s. 316.0083~~, or s. 316.1896, each traffic
 712 enforcement officer, upon issuing a traffic citation to an
 713 alleged violator of any provision of the motor vehicle laws of
 714 this state or of any traffic ordinance of any municipality or
 715 town, shall deposit the original traffic citation or, in the
 716 case of a traffic enforcement agency that has an automated
 717 citation issuance system, the chief administrative officer shall
 718 provide by an electronic transmission a replica of the citation
 719 data to a court having jurisdiction over the alleged offense or
 720 with its traffic violations bureau within 5 days after issuance
 721 to the violator.

722 (c) If a traffic citation is issued under s. 316.0083 or
 723 s. 316.1896, the traffic infraction enforcement officer shall
 724 provide by electronic transmission a replica of the traffic
 725 citation data to the court having jurisdiction over the alleged

726 offense or its traffic violations bureau within 5 days after the
 727 date of issuance of the traffic citation to the violator. If a
 728 hearing is requested, the traffic infraction enforcement officer
 729 shall provide a replica of the traffic notice of violation data
 730 to the clerk for the local hearing officer having jurisdiction
 731 over the alleged offense within 14 days.

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

734 318.14 Noncriminal traffic infractions; exception;
 735 procedures.—

736 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,
 737 and 316.1896, any person cited for a violation requiring a
 738 mandatory hearing listed in s. 318.19 or any other criminal
 739 traffic violation listed in chapter 316 must sign and accept a
 740 citation indicating a promise to appear. The officer may
 741 indicate on the traffic citation the time and location of the
 742 scheduled hearing and must indicate the applicable civil penalty
 743 established in s. 318.18. For all other infractions under this
 744 section, except for infractions under s. 316.1001, the officer
 745 must certify by electronic, electronic facsimile, or written
 746 signature that the citation was delivered to the person cited.
 747 This certification is prima facie evidence that the person cited
 748 was served with the citation.

749 Section 13. Subsections (4), (5), and (15) of section
 750 318.21, Florida Statutes, are amended to read:

751 318.21 Disposition of civil penalties by county courts.—
 752 All civil penalties received by a county court pursuant to the
 753 provisions of this chapter shall be distributed and paid monthly
 754 as follows:

755 (4) Of the additional fine assessed under s. 318.18(3)(g)
 756 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
 757 be remitted to the Department of Revenue for deposit in the
 758 Grants and Donations Trust Fund of the Division of Blind
 759 Services of the Department of Education, and 60 percent must be
 760 distributed pursuant to subsections (1) and (2).

761 (5) Of the additional fine assessed under s. 318.18(3)(g)
 762 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
 763 must be remitted to the Department of Revenue for deposit in the
 764 Grants and Donations Trust Fund of the Division of Vocational
 765 Rehabilitation of the Department of Education, and 40 percent
 766 must be distributed pursuant to subsections (1) and (2).

767 (15) Of the additional fine assessed under s. 318.18(3)(f)
 768 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
 769 the moneys received from the fines shall be appropriated to the
 770 Agency for Health Care Administration as general revenue to
 771 provide an enhanced Medicaid payment to nursing homes that serve
 772 Medicaid recipients with brain and spinal cord injuries. The
 773 remaining 50 percent of the moneys received from the enhanced
 774 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
 775 remitted to the Department of Revenue and deposited into the

776 Department of Health Emergency Medical Services Trust Fund to
 777 provide financial support to certified trauma centers in the
 778 counties where enhanced penalty zones are established to ensure
 779 the availability and accessibility of trauma services. Funds
 780 deposited into the Emergency Medical Services Trust Fund under
 781 this subsection shall be allocated as follows:

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

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

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

791 655.960 Definitions; ss. 655.960-655.965.—As used in this
 792 section and ss. 655.961-655.965, unless the context otherwise
 793 requires:

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

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