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1  
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      requiring a county or municipality to enact an  
12      ordinance to authorize placement or installation of  
13      such system; requiring the county or municipality to  
14      consider certain evidence and make a certain  
15      determination at a public hearing; amending s.  
16      316.0776, F.S.; specifying conditions for the  
17      placement or installation of speed detection systems;  
18      requiring the Department of Transportation to  
19      establish certain specifications by a specified date;  
20      requiring a county or municipality that installs a  
21      speed detection system to provide certain notice to  
22      the public; providing signage requirements; requiring  
23      a county or municipality that has never conducted a  
24      school zone speed detection system program to conduct  
25      a public awareness campaign before commencing

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26 enforcement using such system; limiting penalties in  
27 effect during the public awareness campaign; requiring  
28 a county or municipality to place a specified annual  
29 report on the agenda of a regular or special meeting  
30 of its governing body; requiring approval by the  
31 governing body at a regular or special meeting before  
32 contracting or renewing a contract to place or install  
33 such system; providing for public comment; prohibiting  
34 such report, contract, or contract renewal from being  
35 considered as part of a consent agenda; providing  
36 requirements for a written summary of such report;  
37 requiring a report to the Department of Highway Safety  
38 and Motor Vehicles; prohibiting compliance with  
39 certain provisions from being raised in a proceeding  
40 challenging a violation; creating s. 316.1894, F.S.;  
41 requiring a law enforcement agency with jurisdiction  
42 over a county or municipality conducting a school zone  
43 speed detection system program to use certain funds to  
44 administer the School Crossing Guard Recruitment and  
45 Retention Program; providing purposes; requiring  
46 program design and management at the discretion of the  
47 law enforcement agency; creating s. 316.1896, F.S.;  
48 authorizing a county or municipality to authorize a  
49 traffic infraction enforcement officer to issue  
50 uniform traffic citations for certain violations;

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

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76        remote surveillance; providing construction;  
77        specifying requirements of and prohibitions on the use  
78        of recorded video and photographs captured by a speed  
79        detection system; requiring municipalities and  
80        counties to submit an annual report to the Department  
81        of Highway Safety and Motor Vehicles in a form and  
82        manner specified by the department; authorizing the  
83        department to require quarterly submission of data;  
84        providing report requirements; requiring counties and  
85        municipalities to retain certain records for a  
86        specified period; requiring the department to submit a  
87        summary report to the Governor and Legislature;  
88        amending s. 316.1906, F.S.; revising the definition of  
89        the term "officer"; providing self-test requirements  
90        for speed detection systems; requiring a law  
91        enforcement agency operating a speed detection system  
92        to maintain a log of results of the system's self-  
93        tests and to perform independent calibration tests of  
94        such systems; providing for the admissibility of  
95        certain evidence in certain proceedings; amending s.  
96        318.18, F.S.; providing a civil penalty for a speed  
97        limit violation in a school zone; providing for  
98        distribution thereof; providing conditions under which  
99        a case may be dismissed; amending s. 322.27, F.S.;  
100       prohibiting points from being imposed against a driver

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license for certain infractions enforced by a traffic infraction enforcement officer; prohibiting such infractions from being used to set motor vehicle insurance rates; amending ss. 316.306, 316.640, 318.14, 318.21, and 655.960, F.S.; conforming cross-references and provisions to changes made by the act; amending s. 316.650, F.S.; revising the period during which certain traffic citation data must be provided to a court having jurisdiction over the alleged offense; providing an effective date.

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

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

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

(38) LOCAL HEARING OFFICER.—The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic

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126 citations under ss. 316.0083(1)(a) and 316.1896(1) ~~s.~~  
127 ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to  
128 a notice of violation issued pursuant to s. 316.0083 or s.  
129 316.1896. The charter county, noncharter county, or municipality  
130 may use its currently appointed code enforcement board or  
131 special magistrate to serve as the local hearing officer. The  
132 department may enter into an interlocal agreement to use the  
133 local hearing officer of a county or municipality.

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

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

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

146 316.008 Powers of local authorities.—

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

150 1. Within 30 minutes before through 30 minutes after the

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151 start of a regularly scheduled breakfast program;

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

154 3. During the entirety of a regularly scheduled school  
155 session; and

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

158  
159 through the use of a speed detection system for the detection of  
160 speed and capturing of photographs or videos for violations in  
161 excess of 10 miles per hour over the speed limit in force at the  
162 time of the violation. A school zone's compliance with s.  
163 316.1895 creates a rebuttable presumption that the school zone  
164 is properly maintained.

165 (b) A county or municipality may place or install, or  
166 contract with a vendor to place or install, a speed detection  
167 system within a roadway maintained as a school zone as provided  
168 in s. 316.1895 to enforce unlawful speed violations, as  
169 specified in s. 316.1895(10) or s. 316.183, on that roadway.

170 (c) A county or municipality must enact an ordinance in  
171 order to authorize the placement or installation of a speed  
172 detection system on a roadway maintained as a school zone as  
173 authorized by this subsection. As part of the public hearing on  
174 such proposed ordinance, the county or municipality must  
175 consider traffic data or other evidence supporting the

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installation and operation of each proposed school zone speed detection system, and the county or municipality must determine that the school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures pursuant to this subsection.

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

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

(3) A speed detection system authorized by s. 316.008(9) may be placed or installed in a school zone on a state road when permitted by the Department of Transportation and in accordance with placement and installation specifications developed by the Department of Transportation. The speed detection system may be placed or installed in a school zone on a street or highway under the jurisdiction of a county or a municipality in accordance with placement and installation specifications established by the Department of Transportation. The Department of Transportation must establish such placement and installation specifications by December 31, 2023.

(a) If a county or municipality places or installs a speed detection system as authorized by s. 316.008(9), the county or municipality must notify the public that a speed detection system may be in use by posting signage indicating photographic

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201 or video enforcement of the school zone speed limits. Such  
202 signage shall clearly designate the time period during which the  
203 school zone speed limits are enforced using a speed detection  
204 system and must meet the placement and installation  
205 specifications established by the Department of Transportation.  
206 For a speed detection system enforcing violations of s. 316.1895  
207 or s. 316.183 on a roadway maintained as a school zone, this  
208 paragraph governs the signage notifying the public of the use of  
209 a speed detection system.

210 (b) If a county or municipality begins a school zone speed  
211 detection system program in a county or municipality that has  
212 never conducted such a program, the respective county or  
213 municipality must make a public announcement and conduct a  
214 public awareness campaign of the proposed use of speed detection  
215 systems at least 30 days before commencing enforcement under the  
216 speed detection system program and must notify the public of the  
217 specific date on which the program will commence. During the 30-  
218 day public awareness campaign, only a warning may be issued to  
219 the registered owner of a motor vehicle for a violation of s.  
220 316.1895 or s. 316.183 enforced by a speed detection system, and  
221 liability may not be imposed for the civil penalty under s.  
222 318.18(3)(d).

223 (c) A county or municipality that operates one or more  
224 school zone speed detection systems must annually report the  
225 results of all systems within the county's or municipality's

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jurisdiction by placing the report required under s.  
316.1896(16) (a) as a single reporting item on the agenda of a  
regular or special meeting of the county's or municipality's  
governing body. Before a county or municipality contracts or  
renews a contract to place or install a speed detection system  
in a school zone pursuant to s. 316.008(9), the county or  
municipality must approve the contract or contract renewal at a  
regular or special meeting of the county's or municipality's  
governing body.

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

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

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251 with this paragraph, including the date of the regular or  
252 special meeting at which the annual report was considered.

253 3. The compliance or sufficiency of compliance with this  
254 paragraph may not be raised in a proceeding challenging a  
255 violation of s. 316.1895 or s. 316.183 enforced by a speed  
256 detection system in a school zone.

257 Section 4. Section 316.1894, Florida Statutes, is created  
258 to read:

259 316.1894 School Crossing Guard Recruitment and Retention  
260 Program.—The law enforcement agency having jurisdiction over a  
261 county or municipality conducting a school zone speed detection  
262 system program authorized by s. 316.008(9) must use funds  
263 generated pursuant to s. 316.1896(5)(e) from the school zone  
264 speed detection system program to administer the School Crossing  
265 Guard Recruitment and Retention Program. Such program may  
266 provide recruitment and retention stipends to crossing guards at  
267 K-12 public schools, including charter schools, or stipends to  
268 third parties for the recruitment of new crossing guards. The  
269 School Crossing Guard Recruitment and Retention Program must be  
270 designed and managed at the discretion of the law enforcement  
271 agency.

272 Section 5. Section 316.1896, Florida Statutes, is created  
273 to read:

274 316.1896 Roadways maintained as school zones; speed  
275 detection system enforcement; penalties; appeal procedure;

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276 privacy; reports.—

277 (1) For purposes of administering this section, a county  
278 or municipality may authorize a traffic infraction enforcement  
279 officer under s. 316.640 to issue uniform traffic citations for  
280 violations of ss. 316.1895 and 316.183 as authorized by s.  
281 316.008(9), as follows:

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

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

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

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

297  
298 Such violation must be evidenced by a speed detection system  
299 described in ss. 316.008(9) and 316.0776(3). This subsection  
300 does not prohibit a review of information from a speed detection

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301 system by an authorized employee or agent of a county or  
302 municipality before issuance of the uniform traffic citation by  
303 the traffic infraction enforcement officer. This subsection does  
304 not prohibit a county or municipality from issuing notices as  
305 provided in subsection (2) to the registered owner of the motor  
306 vehicle for a violation of s. 316.1895 or s. 316.183.

307 (2) Within 30 days after a violation, notice must be sent  
308 to the registered owner of the motor vehicle involved in the  
309 violation specifying the remedies available under s. 318.14 and  
310 that the violator must pay the penalty under s. 318.18(3)(d) to  
311 the county or municipality, or furnish an affidavit in  
312 accordance with subsection (8), within 30 days after the date of  
313 the notice of violation in order to avoid court fees, costs, and  
314 the issuance of a uniform traffic citation. The notice of  
315 violation must:

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

317 (b) Include a photograph or other recorded image showing  
318 the license plate of the motor vehicle; the date, time, and  
319 location of the violation; the maximum speed at which the motor  
320 vehicle was traveling within the school zone; and the speed  
321 limit within the school zone at the time of the violation.

322 (c) Include a notice that the owner has the right to  
323 review, in person or remotely, the photograph or video captured  
324 by the speed detection system and the evidence of the speed of  
325 the motor vehicle detected by the speed detection system which

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326 constitute a rebuttable presumption that the motor vehicle was  
327 used in violation of s. 316.1895 or s. 316.183.

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

331 (3) Notwithstanding any other law, a person who receives a  
332 notice of violation under this section may request a hearing  
333 within 30 days after the notice of violation or may pay the  
334 penalty pursuant to the notice of violation, but a payment or  
335 fee may not be required before the hearing requested by the  
336 person. The notice of violation must be accompanied by, or  
337 direct the person to a website that provides, information on the  
338 person's right to request a hearing and on all costs related  
339 thereto and a form used for requesting a hearing. As used in  
340 this subsection, the term "person" includes a natural person,  
341 the registered owner or co-owner of a motor vehicle, or the  
342 person identified in an affidavit as having actual care,  
343 custody, or control of the motor vehicle at the time of the  
344 violation.

345 (4) If the registered owner or co-owner of the motor  
346 vehicle; the person identified as having care, custody, or  
347 control of the motor vehicle at the time of the violation; or an  
348 authorized representative of the owner, co-owner, or identified  
349 person initiates a proceeding to challenge the violation, such  
350 person waives any challenge or dispute as to the delivery of the

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351 notice of violation.

352 (5) Penalties assessed and collected by the county or  
353 municipality authorized to collect the funds provided for in  
354 this section, less the amount retained by the county or  
355 municipality pursuant to paragraph (b) and paragraph (e) and the  
356 amount remitted to the county school district pursuant to  
357 paragraph (d), must be paid to the Department of Revenue weekly.  
358 Such payment must be made by means of electronic funds transfer.  
359 In addition to the payment, a detailed summary of the penalties  
360 remitted must be reported to the Department of Revenue.  
361 Penalties to be assessed and collected by the county or  
362 municipality as established in s. 318.18(3)(d) must be remitted  
363 as follows:

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

366 (b) Sixty dollars must be retained by the county or  
367 municipality and must be used to administer speed detection  
368 systems in school zones and other public safety initiatives.

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

372 (d) Twelve dollars must be remitted to the county school  
373 district in which the violation occurred and must be used for  
374 school security initiatives, for student transportation, or to  
375 improve the safety of student walking conditions. Funds remitted

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under this paragraph must be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions.

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

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

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

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401        (b) In the case of joint ownership of a motor vehicle, the  
402 uniform traffic citation must be mailed to the first name  
403 appearing on the motor vehicle registration, unless the first  
404 name appearing on the registration is a business organization,  
405 in which case the second name appearing on the registration may  
406 be used.

407        (c) The uniform traffic citation mailed to the registered  
408 owner of the motor vehicle involved in the infraction must be  
409 accompanied by the information described in paragraphs (2) (b),  
410 (2) (c), and (2) (d) .

411        (7) The registered owner of the motor vehicle involved in  
412 the violation is responsible and liable for paying the uniform  
413 traffic citation issued for a violation of s. 316.1895 or s.  
414 316.183 unless the owner can establish that:

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

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

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

424        (8) To establish such facts under subsection (7), the  
425 registered owner of the motor vehicle must, within 30 days after

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426 the date of issuance of the notice of violation or the uniform  
427 traffic citation, furnish to the appropriate governmental entity  
428 an affidavit setting forth information supporting an exception  
429 under subsection (7).

430 (a) An affidavit supporting the exception under paragraph  
431 (7) (a) must include the name, address, date of birth, and, if  
432 known, the driver license number of the person who leased,  
433 rented, or otherwise had care, custody, or control of the motor  
434 vehicle at the time of the alleged violation. If the motor  
435 vehicle was stolen at the time of the alleged violation, the  
436 affidavit must include the police report indicating that the  
437 motor vehicle was stolen.

438 (b) If a uniform traffic citation for a violation of s.  
439 316.1895 or s. 316.183 was issued at the location of the  
440 violation by a law enforcement officer, the affidavit must  
441 include the serial number of the uniform traffic citation.

442 (c) If the motor vehicle's owner to whom a notice of  
443 violation or a uniform traffic citation has been issued is  
444 deceased, the affidavit must include a certified copy of the  
445 owner's death certificate showing that the date of death  
446 occurred on or before the date of the alleged violation and one  
447 of the following:

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

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451        2. Documented proof that the registered license plate  
452 belonging to the deceased owner's motor vehicle was returned to  
453 the department or any branch office or authorized agent of the  
454 department after his or her death but on or before the date of  
455 the alleged violation.

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

460  
461 Upon receipt of the affidavit and documentation required under  
462 paragraphs (b) and (c), or 30 days after the date of issuance of  
463 a notice of violation sent to a person identified as having  
464 care, custody, or control of the motor vehicle at the time of  
465 the violation under paragraph (a), the county or municipality  
466 must dismiss the notice or citation and provide proof of such  
467 dismissal to the person who submitted the affidavit. If, within  
468 30 days after the date of a notice of violation sent to a person  
469 under subsection (9), the county or municipality receives an  
470 affidavit under subsection (10) from the person sent a notice of  
471 violation affirming that the person did not have care, custody,  
472 or control of the motor vehicle at the time of the violation,  
473 the county or municipality must notify the registered owner that  
474 the notice or citation will not be dismissed due to failure to  
475 establish that another person had care, custody, or control of

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476 the motor vehicle at the time of the violation.

477 (9) Upon receipt of an affidavit under paragraph (8)(a),  
478 the county or municipality may issue the person identified as  
479 having care, custody, or control of the motor vehicle at the  
480 time of the violation a notice of violation pursuant to  
481 subsection (2) for a violation of s. 316.1895 or s. 316.183. The  
482 affidavit is admissible in a proceeding pursuant to this section  
483 for the purpose of providing evidence that the person identified  
484 in the affidavit was in actual care, custody, or control of the  
485 motor vehicle. The owner of a leased motor vehicle for which a  
486 uniform traffic citation is issued for a violation of s.  
487 316.1895 or s. 316.183 is not responsible for paying the uniform  
488 traffic citation and is not required to submit an affidavit as  
489 specified in subsection (8) if the motor vehicle involved in the  
490 violation is registered in the name of the lessee of such motor  
491 vehicle.

492 (10) If a county or municipality receives an affidavit  
493 under paragraph (8)(a), the notice of violation required under  
494 subsection (2) must be sent to the person identified in the  
495 affidavit within 30 days after receipt of the affidavit. The  
496 person identified in an affidavit and sent a notice of violation  
497 may also affirm that he or she did not have care, custody, or  
498 control of the motor vehicle at the time of the violation by  
499 furnishing to the appropriate governmental entity within 30 days  
500 after the date of the notice of violation an affidavit stating

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501 such.

502 (11) The submission of a false affidavit is a misdemeanor  
503 of the second degree, punishable as provided in s. 775.082 or s.  
504 775.083.

505 (12) The photograph or video captured by a speed detection  
506 system and the evidence of the speed of the motor vehicle  
507 detected by a speed detection system which are attached to or  
508 referenced in the uniform traffic citation are evidence of a  
509 violation of s. 316.1895 or s. 316.183 and are admissible in any  
510 proceeding to enforce this section. The photograph or video and  
511 the evidence of speed detected raise a rebuttable presumption  
512 that the motor vehicle named in the report or shown in the  
513 photograph or video was used in violation of s. 316.1895 or s.  
514 316.183.

515 (13) This section supplements the enforcement of ss.  
516 316.1895 and 316.183 by a law enforcement officer and does not  
517 prohibit a law enforcement officer from issuing a uniform  
518 traffic citation for a violation of s. 316.1895 or s. 316.183.

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

521 (a) The department must publish and make available  
522 electronically to each county and municipality a model request  
523 for hearing form to assist each county or municipality  
524 administering this section.

525 (b) A county or municipality electing to authorize traffic

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526 infraction enforcement officers to issue uniform traffic  
527 citations under subsection (6) must designate by resolution  
528 existing staff to serve as the clerk to the local hearing  
529 officer.

530 (c) A person, referred to in this subsection as the  
531 "petitioner," who elects to request a hearing under subsection  
532 (3) must be scheduled for a hearing by the clerk to the local  
533 hearing officer. The clerk must furnish the petitioner with  
534 notice sent by first-class mail. Upon receipt of the notice, the  
535 petitioner may reschedule the hearing up to two times by  
536 submitting a written request to reschedule to the clerk at least  
537 5 calendar days before the day of the scheduled hearing. The  
538 petitioner may cancel his or her appearance before the local  
539 hearing officer by paying the penalty assessed under subsection  
540 (2), plus the administrative costs established in s.  
541 316.0083(5)(c), before the start of the hearing.

542 (d) All testimony at the hearing must be under oath and  
543 must be recorded. The local hearing officer must take testimony  
544 from a traffic infraction enforcement officer and the petitioner  
545 and may take testimony from others. The local hearing officer  
546 must review the photograph or video captured by the speed  
547 detection system and the evidence of the speed of the motor  
548 vehicle detected by the speed detection system made available  
549 under paragraph (2)(b). Formal rules of evidence do not apply,  
550 but due process must be observed and govern the proceedings.

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551       (e) At the conclusion of the hearing, the local hearing  
552 officer must determine whether a violation under this section  
553 occurred and must uphold or dismiss the violation. The local  
554 hearing officer must issue a final administrative order  
555 including the determination and, if the notice of violation is  
556 upheld, must require the petitioner to pay the penalty  
557 previously assessed under subsection (2), and may also require  
558 the petitioner to pay county or municipal costs not to exceed  
559 the amount established in s. 316.0083(5) (e). The final  
560 administrative order must be mailed to the petitioner by first-  
561 class mail.

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

564       (15) (a) A speed detection system in a school zone may not  
565 be used for remote surveillance. The collection of evidence by a  
566 speed detection system to enforce violations of ss. 316.1895 and  
567 316.183, or user-controlled pan or tilt adjustments of speed  
568 detection system components, do not constitute remote  
569 surveillance. Recorded video or photographs collected as part of  
570 a speed detection system in a school zone may only be used to  
571 document violations of ss. 316.1895 and 316.183 and for purposes  
572 of determining criminal or civil liability for incidents  
573 captured by the speed detection system incidental to the  
574 permissible use of the speed detection system.

575       (b) Any recorded video or photograph obtained through the

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576 use of a speed detection system must be destroyed within 90 days  
577 after the final disposition of the recorded event. The vendor of  
578 a speed detection system must provide the county or municipality  
579 with written notice by December 31 of each year that such  
580 records have been destroyed in accordance with this subsection.

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

586 (16) (a) Each county or municipality that operates one or  
587 more speed detection systems must submit a report by October 1,  
588 2024, and annually thereafter, to the department which  
589 identifies the public safety objectives used to identify a  
590 school zone for enforcement under this section, reports  
591 compliance with s. 316.0776(3)(c), and details the results of  
592 the speed detection system in the school zone and the procedures  
593 for enforcement. The information from counties and  
594 municipalities must be submitted in a form and manner determined  
595 by the department, which the department must make available to  
596 the counties and municipalities by August 1, 2023, and the  
597 department may require data components to be submitted  
598 quarterly. The report must include at least the following:

599 1. Information related to the location of each speed  
600 detection system, including the geocoordinates of the school

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601 zone, the directional approach of the speed detection system,  
602 the school name, the school level, the times the speed detection  
603 system was active, the restricted school zone speed limit  
604 enforced pursuant to s. 316.1895(5), the posted speed limit  
605 enforced at times other than those authorized by s. 316.1895(5),  
606 the date the systems were activated to enforce violations of ss.  
607 316.1895 and 316.183, and, if applicable, the date the systems  
608 were deactivated.

609 2. The number of notices of violation issued, the number  
610 that were contested, the number that were upheld, the number  
611 that were dismissed, the number that were issued as uniform  
612 traffic citations, and the number that were paid.

613 3. Any other statistical data and information related to  
614 the procedures for enforcement which is required by the  
615 department to complete the report required under paragraph (c).

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

620 (c) On or before December 31, 2024, and annually  
621 thereafter, the department must submit a summary report to the  
622 Governor, the President of the Senate, and the Speaker of the  
623 House of Representatives regarding the use of speed detection  
624 systems under this section, along with any legislative  
625 recommendations from the department. The summary report must

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626 include a review of the information submitted to the department  
627 by the counties and municipalities and must describe the  
628 enhancement of safety and enforcement programs.

629 Section 6. Paragraph (d) of subsection (1) of section  
630 316.1906, Florida Statutes, is amended, and subsection (3) is  
631 added to that section, to read:

632 316.1906 Radar speed-measuring devices; speed detection  
633 systems; evidence, admissibility.—

634 (1) DEFINITIONS.—

635 (d) "Officer" means any:

636 1. "Law enforcement officer" who is elected, appointed, or  
637 employed full time by any municipality or the state or any  
638 political subdivision thereof; who is vested with the authority  
639 to bear arms and make arrests; and whose primary responsibility  
640 is the prevention and detection of crime or the enforcement of  
641 the penal, criminal, traffic, or highway laws of the state;

642 2. "Part-time law enforcement officer" who is employed or  
643 appointed less than full time, as defined by an employing  
644 agency, with or without compensation; who is vested with  
645 authority to bear arms and make arrests; and whose primary  
646 responsibility is the prevention and detection of crime or the  
647 enforcement of the penal, criminal, traffic, or highway laws of  
648 the state; ~~or~~

649 3. "Auxiliary law enforcement officer" who is employed or  
650 appointed, with or without compensation; who aids or assists a

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651 full-time or part-time law enforcement officer; and who, while  
652 under the direct supervision of a full-time or part-time law  
653 enforcement officer, has the authority to arrest and perform law  
654 enforcement functions; or

655 4. "Traffic infraction enforcement officer" who is  
656 employed or appointed, with or without compensation, and  
657 satisfies the requirements of s. 316.640(5) and is vested with  
658 authority to enforce violations of ss. 316.1895 and 316.183  
659 pursuant to s. 316.1896.

660 (3) A speed detection system is exempt from the design  
661 requirements for radar or LiDAR units established by the  
662 department. A speed detection system must have the ability to  
663 perform self-tests as to its detection accuracy. The system must  
664 perform a self-test at least once every 30 days. The law  
665 enforcement agency, or an agent acting on behalf of the law  
666 enforcement agency, operating a speed detection system must  
667 maintain a log of the results of the system's self-tests. The  
668 law enforcement agency, or an agent acting on behalf of the law  
669 enforcement agency, operating a speed detection system must also  
670 perform an independent calibration test on the speed detection  
671 system at least once every 12 months. The self-test logs, as  
672 well as the results of the annual calibration test, are  
673 admissible in any court proceeding for a uniform traffic  
674 citation issued for a violation of s. 316.1895 or s. 316.183  
675 enforced pursuant to s. 316.1896. Notwithstanding subsection

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676 (2), evidence of the speed of a motor vehicle detected by a  
677 speed detection system compliant with this subsection and the  
678 determination by a traffic enforcement officer that a motor  
679 vehicle is operating in excess of the applicable speed limit is  
680 admissible in any proceeding with respect to an alleged  
681 violation of law regulating the speed of motor vehicles in  
682 school zones.

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

687 318.18 Amount of penalties.—The penalties required for a  
688 noncriminal disposition pursuant to s. 318.14 or a criminal  
689 offense listed in s. 318.17 are as follows:

690 (3)

691 (d)1. Notwithstanding paragraphs (b) and (c), a person  
692 cited for a violation of s. 316.1895(10) or s. 316.183 for  
693 exceeding the speed limit in force at the time of the violation  
694 on a roadway maintained as a school zone as provided in s.  
695 316.1895, when enforced by a traffic infraction enforcement  
696 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines  
697 collected under this paragraph must be distributed as follows:

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

700 b. Seventy-seven dollars must be distributed to the county

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701 for any violations occurring in any unincorporated areas of the  
702 county or to the municipality for any violations occurring in  
703 the incorporated boundaries of the municipality in which the  
704 infraction occurred, to be used as provided in s. 316.1896(5).

705 c. Three dollars must be remitted to the Department of  
706 Revenue for deposit into the Department of Law Enforcement  
707 Criminal Justice Standards and Training Trust Fund to be used as  
708 provided in s. 943.25.

709 2. If a person who is mailed a notice of violation or a  
710 uniform traffic citation for a violation of s. 316.1895(10) or  
711 s. 316.183, as enforced by a traffic infraction enforcement  
712 officer under s. 316.1896, presents documentation from the  
713 appropriate governmental entity that the notice of violation or  
714 uniform traffic citation was in error, the clerk of court or  
715 clerk to the local hearing officer may dismiss the case. The  
716 clerk of court or clerk to the local hearing officer may not  
717 charge for this service.

718 Section 8. Paragraph (d) of subsection (3) of section  
719 322.27, Florida Statutes, is amended to read:

720 322.27 Authority of department to suspend or revoke driver  
721 license or identification card.—

722 (3) There is established a point system for evaluation of  
723 convictions of violations of motor vehicle laws or ordinances,  
724 and violations of applicable provisions of s. 403.413(6)(b) when  
725 such violations involve the use of motor vehicles, for the

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

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

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

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751 speed—4 points.

752 c. Points may not be imposed for a violation of unlawful  
753 speed as provided in s. 316.1895 or s. 316.183 when enforced by  
754 a traffic infraction enforcement officer pursuant to s.  
755 316.1896. In addition, a violation of s. 316.1895 or s. 316.183  
756 when enforced by a traffic infraction enforcement officer  
757 pursuant to s. 316.1896 may not be used for purposes of setting  
758 motor vehicle insurance rates.

759 6. A violation of a traffic control signal device as  
760 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
761 However, no points shall be imposed for a violation of s.  
762 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
763 stop at a traffic signal and when enforced by a traffic  
764 infraction enforcement officer. In addition, a violation of s.  
765 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
766 stop at a traffic signal and when enforced by a traffic  
767 infraction enforcement officer may not be used for purposes of  
768 setting motor vehicle insurance rates.

769 7. All other moving violations (including parking on a  
770 highway outside the limits of a municipality)—3 points. However,  
771 no points shall be imposed for a violation of s. 316.0741 or s.  
772 316.2065(11); and points shall be imposed for a violation of s.  
773 316.1001 only when imposed by the court after a hearing pursuant  
774 to s. 318.14(5).

775 8. Any moving violation covered in this paragraph,

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776 excluding unlawful speed and unlawful use of a wireless  
777 communications device, resulting in a crash—4 points.

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

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

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

784 Section 9. Paragraph (a) of subsection (3) of section  
785 316.306, Florida Statutes, is amended to read:

786 316.306 School and work zones; prohibition on the use of a  
787 wireless communications device in a handheld manner.—

788 (3)(a)1. A person may not operate a motor vehicle while  
789 using a wireless communications device in a handheld manner in a  
790 designated school crossing, school zone, or work zone area as  
791 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph  
792 shall only be applicable to work zone areas if construction  
793 personnel are present or are operating equipment on the road or  
794 immediately adjacent to the work zone area. For the purposes of  
795 this paragraph, a motor vehicle that is stationary is not being  
796 operated and is not subject to the prohibition in this  
797 paragraph.

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

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handheld manner in violation of subparagraph 1.

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

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

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

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

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

316.650 Traffic citations.—

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

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

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851 offense or its traffic violations bureau within 5 business days  
852 after the date of issuance of the traffic citation to the  
853 violator. If a hearing is requested, the traffic infraction  
854 enforcement officer shall provide a replica of the traffic  
855 notice of violation data to the clerk for the local hearing  
856 officer having jurisdiction over the alleged offense within 14  
857 days.

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

860       318.14 Noncriminal traffic infractions; exception;  
861 procedures.—

862       (2) Except as provided in ss. 316.1001(2), and 316.0083,  
863 and 316.1896, any person cited for a violation requiring a  
864 mandatory hearing listed in s. 318.19 or any other criminal  
865 traffic violation listed in chapter 316 must sign and accept a  
866 citation indicating a promise to appear. The officer may  
867 indicate on the traffic citation the time and location of the  
868 scheduled hearing and must indicate the applicable civil penalty  
869 established in s. 318.18. For all other infractions under this  
870 section, except for infractions under s. 316.1001, the officer  
871 must certify by electronic, electronic facsimile, or written  
872 signature that the citation was delivered to the person cited.  
873 This certification is prima facie evidence that the person cited  
874 was served with the citation.

875       Section 13. Subsections (4), (5), and (15) of section

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876 318.21, Florida Statutes, are amended to read:

877 318.21 Disposition of civil penalties by county courts.—

878 All civil penalties received by a county court pursuant to the  
879 provisions of this chapter shall be distributed and paid monthly  
880 as follows:

881 (4) Of the additional fine assessed under s. 318.18(3)(g)  
882 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must  
883 be remitted to the Department of Revenue for deposit in the  
884 Grants and Donations Trust Fund of the Division of Blind  
885 Services of the Department of Education, and 60 percent must be  
886 distributed pursuant to subsections (1) and (2).

887 (5) Of the additional fine assessed under s. 318.18(3)(g)  
888 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent  
889 must be remitted to the Department of Revenue for deposit in the  
890 Grants and Donations Trust Fund of the Division of Vocational  
891 Rehabilitation of the Department of Education, and 40 percent  
892 must be distributed pursuant to subsections (1) and (2).

893 (15) Of the additional fine assessed under s. 318.18(3)(f)  
894 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of  
895 the moneys received from the fines shall be appropriated to the  
896 Agency for Health Care Administration as general revenue to  
897 provide an enhanced Medicaid payment to nursing homes that serve  
898 Medicaid recipients with brain and spinal cord injuries. The  
899 remaining 50 percent of the moneys received from the enhanced  
900 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be

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

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

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

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

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

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

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