

1 A bill to be entitled
2 An act relating to enforcement of school zone speed
3 limits; amending s. 316.003, F.S.; revising and
4 providing definitions; amending s. 316.008, F.S.;
5 authorizing a county or municipality to enforce the
6 speed limit in a school zone at specified periods
7 through the use of a speed detection system; providing
8 a rebuttable presumption; authorizing a county or
9 municipality to install, or contract with a vendor to
10 install, a speed detection system in a school zone;
11 amending s. 316.0776, F.S.; specifying conditions for
12 the placement or installation of speed detection
13 systems; requiring the Department of Transportation to
14 establish certain specifications by a specified date;
15 requiring a county or municipality that installs a
16 speed detection system to provide certain notice to
17 the public; providing signage requirements; requiring
18 a county or municipality that has never conducted a
19 school zone speed detection system program to conduct
20 a public awareness campaign before commencing
21 enforcement using such system; limiting penalties in
22 effect during the public awareness campaign; providing
23 construction; creating s. 316.1894, F.S.; requiring a
24 law enforcement agency with jurisdiction over a county
25 or municipality conducting a school zone speed

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

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

76 civil penalty for a speed limit violation in a school
 77 zone; amending s. 322.27, F.S.; prohibiting points
 78 from being imposed against a driver license for
 79 certain infractions enforced by a traffic infraction
 80 enforcement officer; prohibiting such infractions from
 81 being used to set motor vehicle insurance rates;
 82 amending ss. 316.306, 316.640, 316.650, 318.14,
 83 318.21, and 655.960, F.S.; conforming cross-references
 84 and provisions to changes made by the act; providing
 85 an effective date.

86
 87 Be It Enacted by the Legislature of the State of Florida:

88
 89 Section 1. Subsections (82) through (109) of section
 90 316.003, Florida Statutes, are renumbered as subsections (83)
 91 through (110), respectively, subsections (38) and (64) are
 92 amended, and a new subsection (82) is added to that section, to
 93 read:

94 316.003 Definitions.—The following words and phrases, when
 95 used in this chapter, shall have the meanings respectively
 96 ascribed to them in this section, except where the context
 97 otherwise requires:

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

101 citations under ss. 316.0083(1)(a) and 316.1896(1) s-
 102 ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to
 103 a notice of violation issued pursuant to s. 316.0083 or s.
 104 316.1896. The charter county, noncharter county, or municipality
 105 may use its currently appointed code enforcement board or
 106 special magistrate to serve as the local hearing officer. The
 107 department may enter into an interlocal agreement to use the
 108 local hearing officer of a county or municipality.

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

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

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

121 316.008 Powers of local authorities.—

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

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

- 126 start of a regularly scheduled breakfast program;
 127 2. Within 30 minutes before through 30 minutes after the
 128 start of a regularly scheduled school session;
 129 3. During the entirety of a regularly scheduled school
 130 session; and
 131 4. Within 30 minutes before through 30 minutes after the
 132 end of a regularly scheduled school session

133
 134 through the use of a speed detection system for the detection of
 135 speed and capturing of photographs or videos for violations in
 136 excess of 10 miles per hour over the speed limit in force at the
 137 time of the violation. A school zone's compliance with s.
 138 316.1895 creates a rebuttable presumption that the school zone
 139 is properly maintained.

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

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

147 316.0776 Traffic infraction detectors; speed detection
 148 systems; placement and installation.-

149 (3) A speed detection system authorized by s. 316.008(9)
 150 may be placed or installed in a school zone on a state road when

151 permitted by the Department of Transportation and in accordance
152 with placement and installation specifications developed by the
153 Department of Transportation. The speed detection system may be
154 placed or installed in a school zone on a street or highway
155 under the jurisdiction of a county or a municipality in
156 accordance with placement and installation specifications
157 established by the Department of Transportation. The Department
158 of Transportation must establish such placement and installation
159 specifications by August 1, 2023.

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

173 (d) If a county or municipality begins a school zone speed
174 detection system program in a county or municipality that has
175 never conducted such a program, the respective county or

176 municipality must make a public announcement and conduct a
177 public awareness campaign of the proposed use of speed detection
178 systems at least 30 days before commencing enforcement under the
179 speed detection system program and must notify the public of the
180 specific date on which the program will commence. During the 30-
181 day public awareness campaign, only a warning may be issued to
182 the registered owner of a motor vehicle for a violation of s.
183 316.1895 or s. 316.183 enforced by a speed detection system, and
184 liability may not be imposed for the civil penalty under s.
185 318.18(3)(d).

186 Section 4. Section 316.1894, Florida Statutes, is created
187 to read:

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

201 Section 5. Section 316.1896, Florida Statutes, is created
202 to read:

203 316.1896 Roadways maintained as school zones; speed
204 detection system enforcement; penalties; appeal procedure;
205 privacy; reports.-

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

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

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

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

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

226
 227 Such violation must be evidenced by a speed detection system
 228 described in ss. 316.008(9) and 316.0776(3). This subsection
 229 does not prohibit a review of information from a speed detection
 230 system by an authorized employee or agent of a county or
 231 municipality before issuance of the uniform traffic citation by
 232 the traffic infraction enforcement officer. This subsection does
 233 not prohibit a county or municipality from issuing notices as
 234 provided in subsection (2) to the registered owner of the motor
 235 vehicle for a violation of s. 316.1895 or s. 316.183.

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

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

246 (b) Include a photograph or other recorded image showing
 247 the license plate of the motor vehicle; the date, time, and
 248 location of the violation; the maximum speed at which the motor
 249 vehicle was traveling within the school zone; and the speed
 250 limit within the school zone at the time of the violation.

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

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

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

274 (4) If the registered owner or co-owner of the motor
275 vehicle; the person identified as having care, custody, or

276 control of the motor vehicle at the time of the violation; or an
 277 authorized representative of the owner, co-owner, or identified
 278 person initiates a proceeding to challenge the violation, such
 279 person waives any challenge or dispute as to the delivery of the
 280 notice of violation.

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

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

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

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

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

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

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

321 (a) Delivery of the uniform traffic citation constitutes
322 notification of a violation under this subsection. If the
323 registered owner or co-owner of the motor vehicle; the person
324 identified as having care, custody, or control of the motor
325 vehicle at the time of the violation; or a duly authorized

326 representative of the owner, co-owner, or identified person
 327 initiates a proceeding to challenge the citation pursuant to
 328 this section, such person waives any challenge or dispute as to
 329 the delivery of the uniform traffic citation.

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

336 (c) The uniform traffic citation mailed to the registered
 337 owner of the motor vehicle involved in the infraction must be
 338 accompanied by the information described in paragraphs (2) (b),
 339 (2) (c), and (2) (d).

340 (7) The registered owner of the motor vehicle involved in
 341 the violation is responsible and liable for paying the uniform
 342 traffic citation issued for a violation of s. 316.1895 or s.
 343 316.183 unless the owner can establish that:

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

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

349 (c) The motor vehicle's owner was deceased on or before
 350 the date of the alleged violation, as established by an

351 affidavit submitted by the representative of the motor vehicle
352 owner's estate or other identified person or family member.

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

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

367 (b) If a uniform traffic citation for a violation of s.
368 316.1895 or s. 316.183 was issued at the location of the
369 violation by a law enforcement officer, the affidavit must
370 include the serial number of the uniform traffic citation.

371 (c) If the motor vehicle's owner to whom a notice of
372 violation or uniform traffic citation has been issued is
373 deceased, the affidavit must include a certified copy of the
374 owner's death certificate showing that the date of death
375 occurred on or before the date of the alleged violation and one

376 of the following:

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

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

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

389
390 Upon receipt of the affidavit and documentation required under
391 paragraphs (b) and (c), or 30 days after the date of issuance of
392 a notice of violation sent to a person identified as having
393 care, custody, or control of the motor vehicle at the time of
394 the violation under paragraph (a), the county or municipality
395 must dismiss the notice or citation and provide proof of such
396 dismissal to the person who submitted the affidavit. If, within
397 30 days after the date of a notice of violation sent to a person
398 under subsection (9), the county or municipality receives an
399 affidavit under subsection (10) from the person sent a notice of
400 violation affirming that the person did not have care, custody,

401 or control of the motor vehicle at the time of the violation,
402 the county or municipality must notify the registered owner that
403 the notice or citation will not be dismissed due to failure to
404 establish that another person had care, custody, or control of
405 the motor vehicle at the time of the violation.

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

421 (10) If a county or municipality receives an affidavit
422 under paragraph (8)(a), the notice of violation required under
423 subsection (2) must be sent to the person identified in the
424 affidavit within 30 days after receipt of the affidavit. The
425 person identified in an affidavit and sent a notice of violation

426 may also affirm that he or she did not have care, custody, or
 427 control of the motor vehicle at the time of the violation by
 428 furnishing to the appropriate governmental entity within 30 days
 429 after the date of the notice of violation an affidavit stating
 430 such.

431 (11) The submission of a false affidavit is a misdemeanor
 432 of the second degree, punishable as provided in s. 775.082 or s.
 433 775.083.

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

444 (13) This section supplements the enforcement of s.
 445 316.1895 and s. 316.183 by a law enforcement officer and does
 446 not prohibit a law enforcement officer from issuing a uniform
 447 traffic citation for a violation of s. 316.1895 or s. 316.183.

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

450 (a) The department must publish and make available

451 electronically to each county and municipality a model request
452 for hearing form to assist each county or municipality
453 administering this section.

454 (b) A county or municipality electing to authorize traffic
455 infraction enforcement officers to issue traffic citations under
456 subsection (6) must designate by resolution existing staff to
457 serve as the clerk to the local hearing officer.

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

470 (d) All testimony at the hearing must be under oath and
471 must be recorded. The local hearing officer must take testimony
472 from a traffic infraction enforcement officer, and the
473 petitioner and may take testimony from others. The local hearing
474 officer must review the photograph or video captured by the
475 speed detection system and the evidence of the speed of the

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

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

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

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

496 2. Recorded video or photographs collected as part of a
497 speed detection system in a school zone may only be used to
498 document violations of s. 316.1895 and s. 316.183 and for
499 purposes of determining criminal or civil liability.

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

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

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

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

521 1. Information related to the location of each speed
 522 detection system, including the geo-coordinates of the school
 523 zone, the directional approach of the speed detection system,
 524 the school name, the school level, the times the speed detection
 525 system was active, the restricted school zone speed limit

526 enforced pursuant to s. 316.1895(5), the posted speed limit
527 enforced at times other than those authorized by s. 316.1895(5),
528 the date the systems were activated to enforce violations of ss.
529 316.1895 and 316.183, and, if applicable, the date the systems
530 were deactivated.

531 2. The number of notices of violations issued, the number
532 that were contested, the number that were upheld, the number
533 that were dismissed, the number that were issued as uniform
534 traffic citations, and the number that were paid.

535 3. Any other statistical data and information required by
536 the department to complete the report required under paragraph
537 (c).

538 (b) Each county or municipality that operates a speed
539 detection system is responsible for and must maintain their
540 respective data for reporting purposes under this subsection,
541 for at least 2 years after such data is reported to the
542 department.

543 (c) On or before December 31, 2024, and annually
544 thereafter, the department must submit a summary report to the
545 Governor, the President of the Senate, and the Speaker of the
546 House of Representatives regarding the use of speed detection
547 systems under this section, along with the department's
548 recommendations and any recommended legislation. The summary
549 report must include a review of the information submitted to the
550 department by the counties and municipalities and must describe

551 the enhancement of traffic safety and enforcement programs.

552 Section 6. Paragraph (d) of subsection (1) of section
 553 316.1906, Florida Statutes, is amended, and subsection (3) is
 554 added to that section, to read:

555 316.1906 Radar speed-measuring devices; speed detection
 556 systems; evidence, admissibility.—

557 (1) DEFINITIONS.—

558 (d) "Officer" means any:

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

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

572 3. "Auxiliary law enforcement officer" who is employed or
 573 appointed, with or without compensation; who aids or assists a
 574 full-time or part-time law enforcement officer; and who, while
 575 under the direct supervision of a full-time or part-time law

576 enforcement officer, has the authority to arrest and perform law
577 enforcement functions; or

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

583 (3) A speed detection system is exempt from the design
584 requirements for radar or LiDAR units established by the
585 department. A speed detection system must have the ability to
586 perform self-tests as to its detection accuracy. The system must
587 perform a self-test at least once every 30 days. The law
588 enforcement agency, or an agent acting on behalf of the law
589 enforcement agency, operating a speed detection system must
590 maintain a log of the results of the system's self-tests. The
591 law enforcement agency, or an agent acting on behalf of the law
592 enforcement agency, operating a speed detection system must also
593 perform an independent calibration test on the speed detection
594 system at least once every 12 months. The self-test logs, as
595 well as the results of the annual calibration test, are
596 admissible in any court proceeding for a traffic citation issued
597 for a violation of s. 316.1895 or s. 316.183 enforced pursuant
598 to s. 316.1896. Notwithstanding subsection (2), evidence of the
599 speed of a motor vehicle detected by a speed detection system
600 compliant with this subsection and the determination by a

601 traffic enforcement officer that a motor vehicle is operating in
 602 excess of the applicable speed limit is admissible in any
 603 proceeding with respect to an alleged violation of law
 604 regulating the speed of motor vehicles in school zones.

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

609 318.18 Amount of penalties.—The penalties required for a
 610 noncriminal disposition pursuant to s. 318.14 or a criminal
 611 offense listed in s. 318.17 are as follows:

612 (3)

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

620 a. \$20 must be remitted to the Department of Revenue for
 621 deposit into the General Revenue Fund;

622 b. \$77 must be distributed to the county for any
 623 violations occurring in any unincorporated areas of the county
 624 or to the municipality for any violations occurring in the
 625 incorporated boundaries of the municipality in which the

626 infraction occurred to be used as provided in s. 316.1896(5);
627 and

628 c. \$3 must be remitted to the Department of Revenue for
629 deposit into the Department of Law Enforcement Criminal Justice
630 Standards and Training Trust Fund to be used as provided in s.
631 943.25.

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

641 Section 8. Paragraph (d) of subsection (3) of section
642 322.27, Florida Statutes, is amended to read:

643 322.27 Authority of department to suspend or revoke driver
644 license or identification card.—

645 (3) There is established a point system for evaluation of
646 convictions of violations of motor vehicle laws or ordinances,
647 and violations of applicable provisions of s. 403.413(6)(b) when
648 such violations involve the use of motor vehicles, for the
649 determination of the continuing qualification of any person to
650 operate a motor vehicle. The department is authorized to suspend

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

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

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

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

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

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

698 8. Any moving violation covered in this paragraph,
 699 excluding unlawful speed and unlawful use of a wireless
 700 communications device, resulting in a crash-4 points.

- 701 9. Any conviction under s. 403.413(6)(b)—3 points.
 702 10. Any conviction under s. 316.0775(2)—4 points.
 703 11. A moving violation covered in this paragraph which is
 704 committed in conjunction with the unlawful use of a wireless
 705 communications device within a school safety zone—2 points, in
 706 addition to the points assigned for the moving violation.

707 Section 9. Paragraph (a) of subsection (3) of section
 708 316.306, Florida Statutes, is amended to read:

709 316.306 School and work zones; prohibition on the use of a
 710 wireless communications device in a handheld manner.—

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

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

725 Section 10. Paragraph (a) of subsection (5) of section

726 | 316.640, Florida Statutes, is amended to read:

727 | 316.640 Enforcement.—The enforcement of the traffic laws
728 | of this state is vested as follows:

729 | (5)(a) Any sheriff's department or police department of a
730 | municipality may employ, as a traffic infraction enforcement
731 | officer, any individual who successfully completes instruction
732 | in traffic enforcement procedures and court presentation through
733 | the Selective Traffic Enforcement Program as approved by the
734 | Division of Criminal Justice Standards and Training of the
735 | Department of Law Enforcement, or through a similar program, but
736 | who does not necessarily otherwise meet the uniform minimum
737 | standards established by the Criminal Justice Standards and
738 | Training Commission for law enforcement officers or auxiliary
739 | law enforcement officers under s. 943.13. Any such traffic
740 | infraction enforcement officer who observes the commission of a
741 | traffic infraction or, in the case of a parking infraction, who
742 | observes an illegally parked vehicle may issue a traffic
743 | citation for the infraction when, based upon personal
744 | investigation, he or she has reasonable and probable grounds to
745 | believe that an offense has been committed which constitutes a
746 | noncriminal traffic infraction as defined in s. 318.14. In
747 | addition, any such traffic infraction enforcement officer may
748 | issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
749 | ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
750 | 316.183 ~~s. 316.0083~~, any sheriff's department or police

751 department of a municipality may designate employees as traffic
 752 infraction enforcement officers. The traffic infraction
 753 enforcement officers must be physically located in the county of
 754 the respective sheriff's or police department.

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

757 316.650 Traffic citations.—

758 (3) (a) Except for a traffic citation issued pursuant to s.
 759 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
 760 enforcement officer, upon issuing a traffic citation to an
 761 alleged violator of any provision of the motor vehicle laws of
 762 this state or of any traffic ordinance of any municipality or
 763 town, shall deposit the original traffic citation or, in the
 764 case of a traffic enforcement agency that has an automated
 765 citation issuance system, the chief administrative officer shall
 766 provide by an electronic transmission a replica of the citation
 767 data to a court having jurisdiction over the alleged offense or
 768 with its traffic violations bureau within 5 business days after
 769 issuance to the violator.

770 (c) If a traffic citation is issued under s. 316.0083 or
 771 s. 316.1896, the traffic infraction enforcement officer shall
 772 provide by electronic transmission a replica of the traffic
 773 citation data to the court having jurisdiction over the alleged
 774 offense or its traffic violations bureau within 5 business days
 775 after the date of issuance of the traffic citation to the

776 violator. If a hearing is requested, the traffic infraction
 777 enforcement officer shall provide a replica of the traffic
 778 notice of violation data to the clerk for the local hearing
 779 officer having jurisdiction over the alleged offense within 14
 780 days.

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

783 318.14 Noncriminal traffic infractions; exception;
 784 procedures.—

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

798 Section 13. Subsections (4), (5), and (15) of section
 799 318.21, Florida Statutes, are amended to read:

800 318.21 Disposition of civil penalties by county courts.—

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

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

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

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

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

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

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

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

840 655.960 Definitions; ss. 655.960-655.965.—As used in this
 841 section and ss. 655.961-655.965, unless the context otherwise
 842 requires:

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

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