

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

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

51 furnish an affidavit under certain circumstances;
52 specifying requirements for such affidavit; providing
53 a 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; requiring the department to submit a summary
64 report; amending s. 316.1906, F.S.; revising the
65 definition of the term "officer"; providing self-test
66 requirements for speed detection systems; requiring a
67 law enforcement agency operating a speed detection
68 system to maintain a log of results of the system's
69 self-tests and to perform independent calibration
70 tests of such systems; providing for the admissibility
71 of certain evidence in certain proceedings; amending
72 s. 318.18, F.S.; providing a civil penalty for a speed
73 limit violation in a school zone; amending s. 322.27,
74 F.S.; prohibiting points from being imposed against a
75 driver license for certain infractions enforced by a

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

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

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

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

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

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

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

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

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

117 316.008 Powers of local authorities.—

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

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

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

125 3. During the entirety of a regularly scheduled school

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

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

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

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

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

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

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

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

196 316.1896 Roadways maintained as school zones; speed
 197 detection system enforcement; penalties; appeal procedure;
 198 privacy; reports.—

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

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

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

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

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

215 (d) 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 after the end of a regularly scheduled school session.

218
 219 Such violation must be evidenced by a speed detection system
 220 described in ss. 316.008(9) and 316.0776(3). This subsection
 221 does not prohibit a review of information from a speed detection
 222 system by an authorized employee or agent of a county or
 223 municipality before issuance of the traffic citation by the
 224 traffic infraction enforcement officer. This subsection does not
 225 prohibit a county or municipality from issuing notifications as

226 provided in subsection (2) to the registered owner of the motor
 227 vehicle for a violation of s. 316.1895.

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

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

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

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

249 (d) State the time when, and the place or website at
 250 which, the photograph or video captured and evidence of speed

251 detected may be examined and observed.

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

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

273 (5) Penalties assessed and collected by the county or
 274 municipality authorized to collect the funds provided for in
 275 this section, less the amount retained by the county or

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

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

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

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

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

301 to improve the safety of student walking conditions.

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

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

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

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

326 the second name appearing on the registration may be used.

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

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

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

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

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

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

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

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

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

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

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

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

380
381 Upon receipt of the affidavit and documentation required under
382 paragraphs (b) and (c), or 30 days after the date of issuance of
383 a notice of violation sent to a person identified as having
384 care, custody, or control of the motor vehicle at the time of
385 the violation under paragraph (a), the county or municipality
386 must dismiss the notice or citation and provide proof of such
387 dismissal to the person who submitted the affidavit. If, within
388 30 days of the date of a notice of violation sent to a person
389 under subsection (9), the county or municipality receives an
390 affidavit under subsection (10) from the person sent a notice of
391 violation affirming that the person did not have care, custody,
392 or control of the motor vehicle at the time of the violation,
393 the county or municipality shall notify the registered owner
394 that the notice or citation will not be dismissed due to failure
395 to establish that another person had care, custody, or control
396 of the motor vehicle at the time of the violation.

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

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

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

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

423 (12) The photograph or video captured by a speed detection
424 system and the evidence of the speed of the motor vehicle
425 detected by a speed detection system which are attached to or

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

432 (13) This section supplements the enforcement of s.
433 316.1895 by a law enforcement officer and does not prohibit a
434 law enforcement officer from issuing a traffic citation for a
435 violation of s. 316.1895.

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

438 (a) The department shall publish and make available
439 electronically to each county and municipality a model Request
440 for Hearing form to assist each local government administering
441 this section.

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

446 (c) A person, herein referred to as the "petitioner," who
447 elects to request a hearing under subsection (3) shall be
448 scheduled for a hearing by the clerk to the local hearing
449 officer. The clerk must furnish the petitioner with notice sent
450 by first-class mail. Upon receipt of the notice, the petitioner

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

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

468 (e) At the conclusion of the hearing, the local hearing
469 officer shall determine whether a violation under this section
470 occurred and shall uphold or dismiss the violation. The local
471 hearing officer shall issue a final administrative order
472 including the determination and, if the notification of
473 violation is upheld, require the petitioner to pay the penalty
474 previously assessed under subsection (2), and may also require
475 the petitioner to pay county or municipal costs not to exceed

476 the amount established in s. 316.0083(5)(e). The final
477 administrative order shall be mailed to the petitioner by first-
478 class mail.

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

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

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

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

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

500 (16)(a) Each county or municipality that operates a speed

501 detection system shall submit a report by October 1, 2024, and
 502 annually thereafter, to the department which details the results
 503 of the speed detection systems in school zones and the
 504 procedures for enforcement in the preceding state fiscal year.
 505 The information submitted by counties and municipalities must
 506 include:

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

510 2. The number of notices of violations issued, how many
 511 were contested, and how many were paid per state fiscal year.

512 3. Any other statistical data and information required by
 513 the department to complete the report required under paragraph
 514 (b).

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

525 Section 6. Paragraph (d) of subsection (1) of section

526 | 316.1906, Florida Statutes, is amended, and subsection (3) is
 527 | added to that section, to read:

528 | 316.1906 Radar speed-measuring devices; speed detection
 529 | systems; evidence, admissibility.—

530 | (1) DEFINITIONS.—

531 | (d) "Officer" means any:

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

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

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

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

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

576 with respect to an alleged violation of law regulating the speed
 577 of motor vehicles in school zones.

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

582 318.18 Amount of penalties.—The penalties required for a
 583 noncriminal disposition pursuant to s. 318.14 or a criminal
 584 offense listed in s. 318.17 are as follows:

585 (3)

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

592 Section 8. Paragraph (d) of subsection (3) of section
 593 322.27, Florida Statutes, is amended to read:

594 322.27 Authority of department to suspend or revoke driver
 595 license or identification card.—

596 (3) There is established a point system for evaluation of
 597 convictions of violations of motor vehicle laws or ordinances,
 598 and violations of applicable provisions of s. 403.413(6)(b) when
 599 such violations involve the use of motor vehicles, for the
 600 determination of the continuing qualification of any person to

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

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

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

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

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

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

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

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

657 Section 9. Paragraph (a) of subsection (3) of section
 658 316.306, Florida Statutes, is amended to read:

659 316.306 School and work zones; prohibition on the use of a
 660 wireless communications device in a handheld manner.—

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

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

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

676 | 316.640, Florida Statutes, is amended to read:

677 | 316.640 Enforcement.—The enforcement of the traffic laws
678 | of this state is vested as follows:

679 | (5)(a) Any sheriff's department or police department of a
680 | municipality may employ, as a traffic infraction enforcement
681 | officer, any individual who successfully completes instruction
682 | in traffic enforcement procedures and court presentation through
683 | the Selective Traffic Enforcement Program as approved by the
684 | Division of Criminal Justice Standards and Training of the
685 | Department of Law Enforcement, or through a similar program, but
686 | who does not necessarily otherwise meet the uniform minimum
687 | standards established by the Criminal Justice Standards and
688 | Training Commission for law enforcement officers or auxiliary
689 | law enforcement officers under s. 943.13. Any such traffic
690 | infraction enforcement officer who observes the commission of a
691 | traffic infraction or, in the case of a parking infraction, who
692 | observes an illegally parked vehicle may issue a traffic
693 | citation for the infraction when, based upon personal
694 | investigation, he or she has reasonable and probable grounds to
695 | believe that an offense has been committed which constitutes a
696 | noncriminal traffic infraction as defined in s. 318.14. In
697 | addition, any such traffic infraction enforcement officer may
698 | issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
699 | ~~316.0083~~. For purposes of enforcing ss. 316.0083 and 316.1895,
700 | ~~s. 316.0083~~, any sheriff's department or police department of a

701 municipality may designate employees as traffic infraction
 702 enforcement officers. The traffic infraction enforcement
 703 officers must be physically located in the county of the
 704 respective sheriff's or police department.

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

707 316.650 Traffic citations.—

708 (3)(a) Except for a traffic citation issued pursuant to s.
 709 316.1001, ~~or~~ s. 316.0083, or s. 316.1896, each traffic
 710 enforcement officer, upon issuing a traffic citation to an
 711 alleged violator of any provision of the motor vehicle laws of
 712 this state or of any traffic ordinance of any municipality or
 713 town, shall deposit the original traffic citation or, in the
 714 case of a traffic enforcement agency that has an automated
 715 citation issuance system, the chief administrative officer shall
 716 provide by an electronic transmission a replica of the citation
 717 data to a court having jurisdiction over the alleged offense or
 718 with its traffic violations bureau within 5 days after issuance
 719 to the violator.

720 (c) If a traffic citation is issued under s. 316.0083 or
 721 s. 316.1896, the traffic infraction enforcement officer shall
 722 provide by electronic transmission a replica of the traffic
 723 citation data to the court having jurisdiction over the alleged
 724 offense or its traffic violations bureau within 5 days after the
 725 date of issuance of the traffic citation to the violator. If a

726 hearing is requested, the traffic infraction enforcement officer
727 shall provide a replica of the traffic notice of violation data
728 to the clerk for the local hearing officer having jurisdiction
729 over the alleged offense within 14 days.

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

732 318.14 Noncriminal traffic infractions; exception;
733 procedures.—

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

747 Section 13. Subsections (4), (5), and (15) of section
748 318.21, Florida Statutes, are amended to read:

749 318.21 Disposition of civil penalties by county courts.—
750 All civil penalties received by a county court pursuant to the

751 provisions of this chapter shall be distributed and paid monthly
 752 as follows:

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

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

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

776 counties where enhanced penalty zones are established to ensure
 777 the availability and accessibility of trauma services. Funds
 778 deposited into the Emergency Medical Services Trust Fund under
 779 this subsection shall be allocated as follows:

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

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

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

789 655.960 Definitions; ss. 655.960-655.965.—As used in this
 790 section and ss. 655.961-655.965, unless the context otherwise
 791 requires:

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

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