

Tab 1	SB 322 by Gruters; (Identical to H 00529) Natural Gas Fuel Taxes						
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Tab 2	SB 386 by Bradley; Specialty License Plates/United Service Organizations						
749554	A	S	RCS	TR, Bradley	Delete L.23:	03/14 01:35 PM	

Tab 3	SB 588 by Rodriguez; (Similar to H 00657) Enforcement of School Zone Speed Limits						
444884	A	S	RCS	TR, Rodriguez	Delete L.134 - 526:	03/14 01:35 PM	

Tab 4	SB 796 by Wright; Seaports						
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Tab 5	SB 908 by Rodriguez; (Compare to CS/H 00645) Unmanned Aircraft Systems Act						
763914	A	S	RCS	TR, Rodriguez	Delete L.23 - 52:	03/14 01:35 PM	

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator DiCeglie, Chair
Senator Davis, Vice Chair

MEETING DATE: Tuesday, March 14, 2023
TIME: 8:30—10:30 a.m.
PLACE: *Toni Jennings Committee Room, 110 Senate Building*

MEMBERS: Senator DiCeglie, Chair; Senator Davis, Vice Chair; Senators Boyd, Broxson, Burton, Gruters, Hooper, Pizzo, Torres, and Trumbull

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 322 Gruters (Identical H 529)	Natural Gas Fuel Taxes; Delaying the effective date of taxes on natural gas fuel, etc. TR 03/14/2023 Favorable FT AP	Favorable Yeas 6 Nays 0
2	SB 386 Bradley	Specialty License Plates/United Service Organizations; Directing the Department of Highway Safety and Motor Vehicles to develop a United Service Organizations license plate; providing for distribution of fees collected from the sale of the plate, etc. TR 03/14/2023 Fav/CS ATD FP	Fav/CS Yeas 7 Nays 0
3	SB 588 Rodriguez (Similar H 657)	Enforcement of School Zone Speed Limits; Defining the term "speed detection system"; authorizing counties and municipalities to install, or contract with a vendor to install, speed detection systems in school zones; specifying conditions for the placement or installation of speed detection systems; requiring local governments to use a portion of funds generated from a certain program for school crossing guard recruitment and retention; authorizing counties and municipalities to authorize traffic infraction enforcement officers to issue traffic citations for certain violations, etc. TR 03/14/2023 Fav/CS ATD FP	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, March 14, 2023, 8:30—10:30 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 796 Wright	Seaports; Increasing the minimum amount of funds to be made available for the Florida Seaport Transportation and Economic Development Program from the State Transportation Trust Fund beginning in a specified fiscal year; increasing the amount the Department of Transportation is required to include in its annual legislative budget request for the program; increasing the amount of funds to be made available from the State Transportation Trust Fund to fund the Strategic Port Investment Initiative beginning in a specified fiscal year, etc. TR 03/14/2023 Temporarily Postponed ATD AP	Temporarily Postponed
5	SB 908 Rodriguez (Compare CS/H 645)	Unmanned Aircraft Systems Act; Revising the definition of the term "critical infrastructure facility"; deleting a requirement that a person or governmental entity apply to the Federal Aviation Administration to restrict or limit the operation of drones in specified areas, etc. TR 03/14/2023 Fav/CS MS RC	Fav/CS Yeas 6 Nays 0

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 322

INTRODUCER: Senator Gruters

SUBJECT: Natural Gas Fuel Taxes

DATE: March 14, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 322 delays the imposition of Florida’s natural gas fuel tax from 2024 to 2026 and conforms related statutory provisions.

See the “Fiscal Impact Statement” heading below for the Revenue Estimating Conference adopted consensus estimate of the bill’s fiscal impact.

The bill takes effect July 1, 2023.

II. Present Situation:

In 2013, the Legislature established a fuel tax rate structure for motor vehicles powered by natural gas and repealed the decal fee imposed on “alternative fuel” vehicles.¹ The bill created a new part V of ch. 206, F.S., consisting of ss. 206.9951 – 206.998, entitled ‘NATURAL GAS FUEL.’ It repealed related provisions, including s. 206.877, F.S. (motor vehicles fueled by liquefied petroleum gas or compressed natural gas), and s. 206.89, F.S. (licensure of retailers of alternative fuel); and it amended and relocated various provisions to the new part V.

The bill provided an exemption from the newly established rate structure until December 31, 2018, and exempted from the sales and use tax natural gas and natural gas fuel when placed into the fuel system of a motor vehicle.² Thereafter, a person operating as a natural gas fuel retailer was required to pay a tax on all natural gas fuel purchases³ and report monthly to the Department of Revenue.⁴

¹ Ch.2013-198, L.O.F.

² Section 212.08(4)(a)2., F.S. (2022).

³ Section 206.9952(8), F.S. (2013).

⁴ The method for determining the tax rate imposed was originally created in s. 206.996(1), F.S., with a beginning date of February 2019.

Beginning January 1, 2019, the following taxes were to be imposed on natural gas fuel:

- An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.
- An additional tax of 1 cent upon each motor fuel equivalent gallon⁵ of natural gas fuel, which is designated as the “ninth-cent fuel tax.”
- An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the “local option fuel tax.”
- An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the “State Comprehensive Enhanced Transportation System (SCETS) Tax,” at a rate determined by statute.⁶
- An additional tax on each motor fuel equivalent gallon of natural gas fuel “for the privilege of selling natural gas fuel,” designated as the “fuel sales tax,” at a rate determined by statute.⁷

The Legislature also established the following penalties:

- A penalty, set to expire on December 31, 2018, for any person who acts as a natural gas retailer without holding a valid natural gas fuel retailer license in the amount of \$200 for each month of operation without a license.⁸
- Effective January 1, 2019, a penalty of 25 percent of the tax assessed on the total purchases made during the unlicensed period for any person who acts as a natural gas fuel retailer without a valid natural gas fuel retailer license.⁹

In 2018, the Legislature:

- Delayed until January 1, 2024, imposition of the natural gas fuel taxes described above, as well as a natural gas fuel retailer’s obligation to report monthly to the DOR, beginning February 2024.
- Made the methods to be used by the DOR for determining the SCETS and fuel sales tax rates applicable before January 1, 2024, compared to the base year average, which is the average for the 12-month period ending September 30, 2013.¹⁰
- Extended the expiration date of the \$200 penalty against a person acting as a natural gas retailer without a license from December 31, 2018, to December 31, 2023.
- Extended the effective date of the 25 percent penalty to January 1, 2019, to January 1, 2024.¹¹

⁵ “Motor fuel equivalent gallon” is defined in s. 206.9951(1), F.S., to mean the volume of natural gas fuel it takes to equal the energy content of one gallon of motor fuel. Section 206.9955, F.S., currently defines the motor fuel equivalent gallon for compressed natural gas, liquefied natural gas, and liquefied petroleum gas.

⁶ Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the nearest tenth of a cent, by adjusting the initially established tax rate of 5.8 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30. Section 206.9955(2)(d), F.S. (2013).

⁷ Each calendar year, the department shall determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1. The tax rate is calculated by adjusting the initially established tax rate of 9.2 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30. Section 206.9955(2)(e)1., F.S. (2013).

⁸ Section 206.9952(3)(a), F.S. (2013).

⁹ Section 206.9952(3)(b), F.S. (2013).

¹⁰ *Supra* notes 6 and 7.

¹¹ Ch. 2018-118, L.O.F.

III. Effect of Proposed Changes:

The bill amends ss. 206.9955(2)(a) and 206.9952(8), F.S., to delay imposition of the natural gas fuel taxes and the retailer monthly reporting obligations, from January 1, 2024, to January 1, 2026. Monthly reporting must begin February 2026, rather than February 2024, per the amended s. 206.996(1), F.S.

Section 206.9955(2)(d), F.S., is amended, making the methods to be used by the DOR for determining the SCETS and fuel sales tax rates applicable before January 1, 2026, rather than January 1, 2024.

The bill amends s. 206.9952(3)(a) and (b), F.S., to extend the current expiration date for the \$200 penalty from December 31, 2023, to December 31, 2025, and make the 25 percent penalty against a retailer acting without a retailer license effective January 1, 2026, rather than January 1, 2024.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The bill delays the effective date for imposition of the taxes on natural gas fuel and presents an insignificant fiscal impact.

B. Private Sector Impact:

Those who purchase or sell natural gas fuel will be relieved of paying taxes on such fuel until January 1, 2026. Retailers will be relieved of monthly reporting and not be subject to the specified penalties until the same date.

C. Government Sector Impact:

On February 3, 2023, the Revenue Estimating Conference (REC) adopted a negative fiscal impact to state revenues of \$200,000 for fiscal year 2023-24, \$700,000 for fiscal year 2023-24, and \$500,000 for fiscal year 2025-26.¹²

On the same date, the REC adopted a negative fiscal impact to local revenues of \$100,000 for fiscal year 2023-24, \$200,000 for fiscal year 2024-25, and \$100,000 for fiscal year 2025-26.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 206.9955, 206.9952, and 206.996.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹² Available at [page39-41.pdf \(state.fl.us\)](#) (last visited February 13, 2023).

¹³ *Id.*

By Senator Gruters

22-00627-23

2023322__

A bill to be entitled

An act relating to natural gas fuel taxes; amending s. 206.9955, F.S.; delaying the effective date of taxes on natural gas fuel; amending ss. 206.9952 and 206.996, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (2) of section 206.9955, Florida Statutes, is amended to read:

206.9955 Levy of natural gas fuel tax.—

(2) Effective January 1, 2026 ~~2024~~, the following taxes shall be imposed:

(a) An excise tax of 4 cents upon each motor fuel equivalent gallon of natural gas fuel.

(b) An additional tax of 1 cent upon each motor fuel equivalent gallon of natural gas fuel, which is designated as the "ninth-cent fuel tax."

(c) An additional tax of 1 cent on each motor fuel equivalent gallon of natural gas fuel by each county, which is designated as the "local option fuel tax."

(d) An additional tax on each motor fuel equivalent gallon of natural gas fuel, which is designated as the "State Comprehensive Enhanced Transportation System Tax," at a rate determined pursuant to this paragraph. Before January 1, 2026 ~~2024~~, and each year thereafter, the department shall determine the tax rate applicable to the sale of natural gas fuel for the following 12-month period beginning January 1, rounded to the

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

22-00627-23

2023322__

nearest tenth of a cent, by adjusting the tax rate of 5.8 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 2013.

(e)1. An additional tax is imposed on each motor fuel equivalent gallon of natural gas fuel for the privilege of selling natural gas fuel. Before January 1, 2026 ~~2024~~, and each year thereafter, the department shall determine the tax rate applicable to the sale of natural gas fuel, rounded to the nearest tenth of a cent, for the following 12-month period beginning January 1, by adjusting the tax rate of 9.2 cents per gallon by the percentage change in the average of the Consumer Price Index issued by the United States Department of Labor for the most recent 12-month period ending September 30, compared to the base year average, which is the average for the 12-month period ending September 30, 2013.

2. The department is authorized to adopt rules and publish forms to administer this paragraph.

Section 2. Subsections (3) and (8) of section 206.9952, Florida Statutes, are amended to read:

206.9952 Application for license as a natural gas fuel retailer.—

(3) (a) Any person who acts as a natural gas retailer and does not hold a valid natural gas fuel retailer license shall pay a penalty of \$200 for each month of operation without a license. This paragraph expires December 31, 2025 ~~2023~~.

(b) Effective January 1, 2026 ~~2024~~, any person who acts as

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59 a natural gas fuel retailer and does not hold a valid natural
60 gas fuel retailer license shall pay a penalty of 25 percent of
61 the tax assessed on the total purchases made during the
62 unlicensed period.

63 (8) With the exception of a state or federal agency or a
64 political subdivision licensed under this chapter, each person,
65 as defined in this part, who operates as a natural gas fuel
66 retailer shall report monthly to the department and pay a tax on
67 all natural gas fuel purchases beginning January 1, 2026 ~~2024~~.

68 Section 3. Subsection (1) of section 206.996, Florida
69 Statutes, is amended to read:

70 206.996 Monthly reports by natural gas fuel retailers;
71 deductions.—

72 (1) For the purpose of determining the amount of taxes
73 imposed by s. 206.9955, each natural gas fuel retailer shall
74 file beginning with February 2026 ~~2024~~, and each month
75 thereafter, no later than the 20th day of each month, monthly
76 reports electronically with the department showing information
77 on inventory, purchases, nontaxable disposals, taxable uses, and
78 taxable sales in gallons of natural gas fuel for the preceding
79 month. However, if the 20th day of the month falls on a
80 Saturday, Sunday, or federal or state legal holiday, a return
81 must be accepted if it is electronically filed on the next
82 succeeding business day. The reports must include, or be
83 verified by, a written declaration stating that such report is
84 made under the penalties of perjury. The natural gas fuel
85 retailer shall deduct from the amount of taxes shown by the
86 report to be payable an amount equivalent to 0.67 percent of the
87 taxes on natural gas fuel imposed by s. 206.9955(2)(a) and (e),

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88 which deduction is allowed to the natural gas fuel retailer to
89 compensate it for services rendered and expenses incurred in
90 complying with the requirements of this part. This allowance is
91 not deductible unless payment of applicable taxes is made on or
92 before the 20th day of the month. This subsection may not be
93 construed as authorizing a deduction from the constitutional
94 fuel tax or the fuel sales tax.

95 Section 4. This act shall take effect July 1, 2023.

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3/14/23

Meeting Date

Transportation

Committee

The Florida Senate

APPEARANCE RECORD

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322

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Dale Calhoun**

Phone **8506810496**

Address **201 S Monroe St Unit A**

Email **dale.calhoun@floridagas.org**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Natural Gas Association & Florida Propane Gas Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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March 14, 2023

Meeting Date

SB 322

Bill Number or Topic

Transportation

Committee

Amendment Barcode (if applicable)

Name Erin Ballas

Phone 850 728 6387

Address 730 E. Park Ave.

Street

Email erinballas@paconsultants.com

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

National Waste and Recycling Association, FL Chapter

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

8/14/23

Meeting Date

SB 822

Bill Number or Topic

Transportation

Committee

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Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 850-521-1200

Address 106 S Bronaugh St
Street

Email cjohnson@flchamber.com

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Chamber of Commerce

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

3/14/23

Meeting Date

SB 322

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Tanner Warwick

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Associated Industries of Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 386

INTRODUCER: Transportation Committee and Senator Bradley

SUBJECT: Specialty License Plates/United Service Organizations

DATE: March 14, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 386 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) to create a United Service Organizations specialty license plate. The annual use fee for the plate is \$25, which will be distributed to the United Service Organizations (USO), a nonprofit corporation. The USO may use up to 10 percent of proceeds from the sale of the plate for administrative costs and marketing of the plate, and the remainder of the fees for the organization’s operations, activities, programs, or projects.

The DHSMV estimates programming and implementation of the plate will cost \$7,680.

The bill takes effect October 1, 2023.

II. Present Situation:

United Service Organizations (USO)

The USO is a nonprofit, charitable corporation established immediately prior to the onset of America’s involvement in World War II in 1941 “to lift the morale of our military and nourish support on the home front.”¹

¹ USO, *About Us - The Organization*, <https://www.uso.org/about> (last visited March 10, 2023).

Today the USO operates in over 250 locations around the world providing programs and services to deployed military service members and their families. These programs and services include:²

- Providing centers with free internet access or free calling cards to deployed service members in combat zones so they can reach out to their families;
- Delivering care packages to deployed service members;
- Organizing trademark USO entertainment tours for service members;
- Providing support to injured service members; and
- Providing support to the families of fallen service members.

Specialty License Plates

As of January 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 35 are in the presale process.³ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁴ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁵

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following actions within certain timelines:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁶

If the minimum sales requirement has not been met by the end of the 24-month presale period, then the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁷

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the

² See USO, *Frequently Asked Questions - What programs and services does the USO offer?*, <https://www.uso.org/faq> (last visited March 10, 2023).

³ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited March 10, 2023).

⁴ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), the annual use fee for a specialty license plate is \$25.

⁵ Section 320.08058, F.S.

⁶ Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁷ Section 320.08053(2)(b), F.S.

DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.⁸

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.⁹

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.¹⁰ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.¹¹

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.¹² Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.¹³

Discontinuance of Specialty Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.¹⁴ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.¹⁵

However, effective July 1, 2023, the requirement increases so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. The DHSMV must mail a warning letter to the sponsoring organization following the first month in which the total number of valid specialty plate registrations is below 3,000, or in the case of an out-of-state college or university license plate, 4,000. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates

⁸ Section 320.08053(3)(a), F.S.

⁹ Section 320.08053(3)(b), F.S.

¹⁰ Section 320.08056(10)(a), F.S.

¹¹ Section 320.08062, F.S.; Such fees may be used to pay for the cost of this required audit or report. See s. 320.08056(10)(a), F.S.

¹² Section 320.08056(10)(a), F.S.

¹³ Section 320.08056(11), F.S.

¹⁴ Section 320.08056(8)(a), F.S.

¹⁵ Section 320.08056(8)(b), F.S.

of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.¹⁶

III. Effect of Proposed Changes:

The bill amends, s. 320.08058, F.S., to authorize the DHSMV to create a United Service Organizations specialty license plate. The annual use fee for the plate is \$25, which is distributed to United Service Organizations (USO), a nonprofit corporation. The USO may use up to 10 percent of proceeds from the sale of the plate for administrative costs and marketing of the plate, and the remainder of the fees for the organization's operations, activities, programs, or projects.

The plate must bear the colors and design approved by the department, with the word "Florida" at the top of the plate and the words "United Services Organizations" at the bottom of the plate.

The plate will be added to the DHSMV presale voucher process, but will not be produced unless the presale requirement of 3,000 vouchers is met and the 135 plate cap has not been reached.

The bill takes effect October 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

¹⁶ Chapter 2020-181, s. 7, Laws of Fla.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

If the specialty license plate is produced, the United Service Organizations will receive annual use fees associated with sales of the plate.

C. Government Sector Impact:

The DHSMV estimates programming and implementation of the plate will cost \$7,680.¹⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 320.08058 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Transportation on March 14, 2023:**

The amendment provides that up to 10 percent of the funds received from the sale of the plate may be used for administrative costs and marketing of the plate. The remainder of funds must be used for the organization's operations, activities, programs, and projects.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹⁷ DHSMV, 2023 Agency Legislative Bill Analysis - SB 386 (February 10, 2023).



749554

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Bradley) recommended the following:

Senate Amendment

Delete line 23
and insert:
corporation under s. 501(c)(3) of the Internal Revenue Code,
which may use up to 10 percent of such fees for administrative
costs and marketing of the plate. The balance of the fees shall
be used by United Service Organizations for the organization's
operations, activities, programs, or projects.

By Senator Bradley

6-00692-23

2023386__

A bill to be entitled

An act relating to specialty license plates; amending s. 320.08058, F.S.; directing the Department of Highway Safety and Motor Vehicles to develop a United Service Organizations license plate; providing for distribution of fees collected from the sale of the plate; providing an effective date.

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

Section 1. Subsection (127) is added to section 320.08058, Florida Statutes, to read:

320.08058 Specialty license plates.—

(127) UNITED SERVICE ORGANIZATIONS LICENSE PLATES.—

(a) The department shall develop a United Service Organizations license plate as provided in this section and s. 320.08053. The plate must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the words "United Service Organizations" must appear at the bottom of the plate.

(b) The annual use fees from the sale of the plate must be distributed to United Service Organizations, a nonprofit corporation under s. 501(c)(3) of the Internal Revenue Code.

Section 2. This act shall take effect October 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 588

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Enforcement of School Zone Speed Limits

DATE: March 14, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.			ATD	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 588 authorizes a local government to place or install an automated speed detection system on a street or highway under its jurisdiction or a state road if permitted by the Florida Department of Transportation (FDOT) to be used solely to enforce speed limits in school zones. Such placement or installation must be in accordance with specification developed by FDOT, which must be established by August 1, 2023.

Under the bill, a local government may appoint local traffic infraction enforcement officers to issue citations to persons detected as exceeding the speed limit by at least ten miles per hour over the speed limit in force at the time in an area designated as a school zone. Specifically, a county or municipality may enforce speed limits in school zones within 30 minutes before, during the entirety of, and within 30 minutes after school.

In order to use a speed detection system to enforce speed limits in school zones, the bill requires:

- The speed detection system to be permitted, placed, and installed in accordance with regulations developed by FDOT;
- The local government to notify the public of the speed detection system through a 30-day public awareness campaign; and
- The speed detection system to perform self-tests to detect accuracy at least every 30 days, and law enforcement to perform calibration tests of the system at least every 12 months.

The bill authorizes a traffic infraction enforcement officer employed by a sheriff's department or municipal police department to issue a fine or a traffic citation for unlawful speeds in school zones as detected by a speed detection system. The initial fine for a violation enforced by a speed detection system is \$100, which is less than the speeding fines incurred if a law enforcement officer enforced the same offense in a school zone.

The bill authorizes a notice of violation to be mailed to the registered owner of the motor vehicle alleged to be in violation of unlawful speed in a school zone enforced by a speed detection system within 30 days following the violation, and include information regarding the right to pay a \$100 fine, review the evidence, request a hearing, or submit an affidavit submitting a defense to the violation.

The bill provides that a traffic citation must be issued to a person who does not pay the fine or submit a specified affidavit within 30 days of the notification of violation. These provisions are similar to those in current law for the use of traffic infraction detectors (red-light cameras).

The bill may have an indeterminate fiscal impact. Local governments that choose to implement speed detection systems may incur costs to implement the systems. Additionally, the FDOT, the Department of Highway Safety and Motor Vehicles, the Department of Revenue, and the Clerks of Court may incur costs associated with updates required by the bill. However, collection of fines will positively impact general revenue, state trust funds, public school districts and local governments, and may offset costs incurred by the state and local governments.

The bill takes effect July 1, 2023.

II. Present Situation:

The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles (DHSMV); the Division of Law Enforcement of the Fish and Wildlife Conservation Commission; the Division of Law Enforcement of the Department of Environmental Protection; and the agents, inspectors, and officers of the Department of Law Enforcement each have authority to enforce all of the traffic laws in Florida on all the streets and highways and elsewhere throughout the state wherever the public has a right to travel by motor vehicle.¹

Local authorities may also exercise police power on streets and highways within their jurisdictions. This authority includes establishing speed limits and regulating traffic by means of police officers or official traffic control devices.²

Traffic Infraction Enforcement Officers

The DHSMV, a county, or a municipality are authorized to employ or designate traffic infraction enforcement officers. A traffic infraction enforcement officer must successfully complete instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Criminal Justice Standards and Training of the Department of Law Enforcement, or through a similar program, but may not necessarily

¹ Section 316.640(1)(a), F.S.

² Section 316.008(1), F.S.

otherwise meet the uniform minimum standards established by the Criminal Justice Standards and Training Commission for law enforcement officers or auxiliary law enforcement officers.³

A DHSMV traffic infraction enforcement officer may issue traffic citations to persons who violate properly placed official traffic control devices or who do not stop at steady red lights.⁴ A sheriff's department or a municipal police department traffic infraction enforcement officer is authorized to issue traffic citations for noncriminal traffic infractions, or parking infractions, that he or she observes as well as issue traffic citations to persons who violate properly placed official traffic control devices or who do not stop at steady red lights.⁵

Speed-Measuring Devices

Evidence of the speed of a vehicle measured by any radar speed-measuring device is inadmissible in any proceeding with respect to an alleged violation of provisions of law regulating the lawful speed of vehicles, unless such evidence is obtained by an officer who:⁶

- Has satisfactorily completed the radar training course established by the Criminal Justice Standards and Training Commission pursuant to s. 943.17(1)(b), F.S.
- Has made an independent visual determination that the vehicle is operating in excess of the applicable speed limit.
- Has written a citation based on evidence obtained from radar when conditions permit the clear assignment of speed to a single vehicle.
- Is using radar which has no automatic speed locks and no audio alarms, unless disconnected or deactivated.
- Is operating radar with audio Doppler engaged.
- Is using a radar unit which meets the minimum design criteria for such units established by the DHSMV.⁷

Whenever any peace officer engaged in the enforcement of the motor vehicle laws uses any device to determine the speed of a motor vehicle on a public road, the device must be approved by the DHSMV and must have been tested to determine that it is operating accurately. Tests for this purpose must be made at least once each six months.⁸ Any police officer, upon receiving information relayed to him or her from a fellow officer stationed on the ground or in the air operating such a device that a driver of a vehicle has violated the speed laws, may arrest the driver for violation of said laws where reasonable and proper identification of the vehicle and the speed of same has been communicated to the arresting officer.⁹

³ Section 316.640(1)(b)3. and (5), F.S.

⁴ Section 316.640(1)(b)3., F.S., authorizing enforcement of s. 316.0083, F.S.

⁵ Section 316.640(1)(b)3., F.S., authorizing enforcement of ss. 318.14 and 316.0083, F.S.

⁶ Section 316.1906(2), F.S.

⁷ The DHSMV adopts by rule the minimum design criteria for radar units and laser devices and maintains a list of approved speed measuring devices. Rules 15B-2.0082, 2.013, and 2.014, F.A.C.

⁸ Section 316.1905(1), F.S.

⁹ Section 316.1905(2), F.S.

School Zones

The Manual for Uniform Traffic Control Devices (MUTCD) defines a school zone as “a designated roadway segment approaching, adjacent to, and beyond school buildings or grounds, or along which school related activities occur.”¹⁰ The location of a school zone is determined based on an engineering study that assesses where the need for reduced speed limits are necessary. School zones may be established at other locations when justified by an engineering study, but they cannot be applied in a blanket manner for all roads within a school’s area.¹¹ FDOT advises, “School zones should be kept as short as practical and should not necessarily extend along the entire highway frontage of the school property.”¹²

The FDOT is required to maintain school zones located on state roads, though it can enter into agreements with counties or municipalities for those local governmental entities to maintain the zones.¹³ Counties are required to maintain school zones on county roads outside of municipalities, and municipalities are required to maintain school zones located in a municipality.¹⁴

School Zone Speed Limits

Because a school zone is established based on the need for reduced speed limits due to children arriving at and leaving school, a reduced speed limit may be established in a school zone. For posted speeds of 35 mph or greater, a school zone speed limit of 20 mph must be used, and for posted speeds of less than 35 mph, a 15 mph school zone speed limit must be used, except if a local regulation allows for a lesser speed.¹⁵

A restricted school zone speed limit may be in force only from 30 minutes before to 30 minutes after the periods of time when pupils are arriving or leaving a regularly scheduled breakfast program or school session.¹⁶

School Speed Zone Signage

Pedestrian safety depends upon public understanding of accepted methods for efficient traffic control, and the uniform approach to school area traffic controls ensures that pedestrians, bicyclists, and other vehicles in the vicinity of schools will understand how to move safely in

¹⁰ U.S. Department of Transportation, Federal Highway Administration, Manual for Uniform Traffic Control Devices (MUTCD), Section 1A.13(03)(185) (2009 ed.).

¹¹ FDOT, *Speed Zoning for Highways, Roads, and Streets In Florida, Chapter 15. Establishing School Zones and School Crossings*, p. 38 (August 2018), available at https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/traffic/speedzone/2019-01-28_speed-zoning-manual_august-2018.pdf?sfvrsn=ac20bad7_0 (last visited March 9, 2023).

¹² *Id.* at 15.4.2(15) p. 52-53.

¹³ Section 316.1895(3)(a) and (2), F.S. Upon request from the appropriate local government, the FDOT must install and maintain school zones on state roads for all prekindergarten early-intervention schools that receive federal funding through the Headstart program.

¹⁴ Section 316.1895(3)(b) and (c), F.S.

¹⁵ FDOT, *supra* note 11, at 15.4.2(3) p. 47.

¹⁶ Section 316.1895(5), F.S.

school areas. “Procedures and devices that are not uniform might cause confusion among pedestrians and other road users, prompt wrong decisions, and contribute to crashes.”¹⁷

School area signs advise drivers of school zones and school crossings to help provide students with a safe zone when they cross the road to and from school. The school zone area beginning and end must be clearly designated on the road surface as required by the FDOT and identified by specific signage. Permanent signs designating school zones and school zone speed limits must be uniform in size and color and have the times during which the restrictive speed limit is enforced clearly designated on them.¹⁸ Alternative to posting the times during which a restrictive speed limit is enforced, flashing beacons may be used indicating the restricted speed limit is being enforced.¹⁹ Depending on the posted speed of the road, advance warning signs for a school zone must be posed between 100 and 225 feet from the beginning of the school zone.²⁰

For any newly established school zone or any school zone in which the signing has been replaced, a sign stating “Speeding Fines Doubled” must be installed within the school zone on the same pole as the flashing beacon assembly.²¹ The MUTCD requires the postage of signage where increased fines are imposed for traffic violations within a designated school zone as a supplement to the school zone sign to identify the beginning point of the higher fines zone.²²

School Zone Speeding Penalties

A person may not drive a vehicle in a school zone at a speed greater than that posted in the school zone.²³ A violation of the speed limits established under s. 316.1895, F.S., is cited as a moving violation, publishable as provided in ch. 318, F.S.

A person exceeding the legally posted speed limit in a school zone or designated school crossing must pay a fine equal to double the standard amounts for exceeding the speed limit. Therefore, the following statutory fines are enforced when exceeding the legally posted speed limit in a school zone:²⁴

MPH Over the Legally Posted Speed Limit	Fine
1-9 mph	\$50
10-14 mph	\$200
15-19 mph	\$300
20-29 mph	\$350
30 mph or more	\$500

¹⁷ MUTCD, Chapter 7A (2009 ed.).

¹⁸ Section 316.1895(6), F.S. and FDOT, *supra* note 11 at 15.5 p. 59.

¹⁹ *Id.*

²⁰ FDOT, *supra* note 11 at 15.4.2 p. 55-58.

²¹ Section 316.1895(6), F.S.

²² MUTCD, Chapter 7B.10 (2009 ed.).

²³ Section 316.1895(10), F.S.

²⁴ Section 318.18(3)(b) and (c), F.S.

Points assessed against the driver license of a person found speeding in a school zone are the same as those for violating regular speed limits.²⁵

Traffic Infraction Detectors

Traffic infraction detectors, commonly referred to as red-light cameras, may be used to enforce laws requiring drivers to stop at traffic signals.²⁶ A traffic infraction detector is a vehicle sensor installed to work in conjunction with a traffic control signal and a camera or cameras synchronized to automatically record two or more sequenced photographs or electronic images or streaming video of only the rear of a motor vehicle at the time the vehicle fails to stop behind the stop bar or clearly marked stop line when facing a traffic control signal steady red light.²⁷ Regulation of the use of cameras to enforce provisions of the Florida Uniform Traffic Control Law²⁸ is expressly preempted to the state.²⁹

Counties and municipalities may install or authorize installation of traffic infraction detectors on streets and highways under its jurisdiction in accordance with FDOT standards.³⁰ Furthermore, a county may install or authorize installation of such devices within unincorporated areas of the county.³¹ The DHSMV may install or authorize installation of traffic infraction detectors on any state road under the original jurisdiction of the FDOT, when permitted by the FDOT.³²

If the DHSMV, a county, or a municipality installs a traffic infraction detector at an intersection, the respective governmental entity must install signage notifying the public that a traffic infraction device may be in use at that intersection, including specific notification of enforcement of violations concerning right turns.³³ Such signage must meet the specifications for uniform signals and devices adopted by the FDOT under s. 316.0745, F.S.³⁴

If the governmental entity has never used a traffic infraction detector program, it must make a public announcement and conduct a public awareness campaign of the proposed use of traffic infraction detectors at least 30 days before commencing the enforcement program.³⁵ A county or municipality that operates a traffic infraction detector must also report annually in October to the DHSMV on statistical data of usage of the detector and procedures for enforcement. The DHSMV compiles these reports annually for submittal to the Governor and the Legislature.³⁶

²⁵ See s. 322.27(3)(d)5., F.S. and DHSMV, *Points and Point Suspensions*, <https://www.flhsmv.gov/driver-licenses-id-cards/driver-license-suspensions-revocations/points-point-suspensions/> (last visited March 10, 2023).

²⁶ See s. 316.008(8), F.S.

²⁷ Section 316.003(98), F.S.

²⁸ Chapter 316, F.S.

²⁹ Section 316.0076, F.S.

³⁰ Sections 316.008(8) and 316.0776(1), F.S.

³¹ *Id.*

³² Section 321.50, F.S.

³³ Section 316.0776(2), F.S.

³⁴ *Ibid.*

³⁵ Section 316.0776(2), F.S.

³⁶ Section 316.0083(4), F.S.

Failure to Stop at a Traffic Signal and Traffic Infraction Detectors

If a traffic infraction detector identifies a vehicle disobeying a properly placed official traffic control device or red light, the visual information is captured and reviewed by either a traffic infraction enforcement officer or an authorized employee or agent of the enforcing entity before issuance of the traffic citation by the traffic infraction enforcement officer.³⁷

A notification must be sent to the registered owner³⁸ of the vehicle within 30 days of the alleged violation. The notice must be accompanied by a photograph or other recorded image of the violation which shows both the license tag of the vehicle and the traffic control device being violated, a statement of the vehicle owner's right to review images or video of the violation, and the time and place or Internet location where the evidence may be reviewed.³⁹

In order to avoid court fees, costs, and the issuance of a traffic citation, the law requires a person who receives a notification of violation to, within 60 days after the notification, either:

- Pay to the DHSMV, county, or municipality the penalty of \$158.
- Furnish an affidavit and supporting documentation establishing defenses discussed below.
- Request a hearing.

A person may not receive a commission or per-ticket fee for any revenue collected from violations detected through use of traffic infraction detectors and a manufacturer or vendor may also not receive a fee or remuneration based on the number of violations detected through use of the detector.⁴⁰

No points may be imposed against a person's driver license for violating an official traffic control signal device when enforced by a traffic infraction enforcement officer. Additionally, the violation may not be used for purposes of setting motor vehicle insurance rates.⁴¹

Request for Hearing

A person who receives a notice of violation may request a hearing within 60 days following the notification of violation or pay the penalty pursuant to the notice of violation. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing.⁴² If a person requests a hearing and the violation is upheld, then the local hearing officer may also order the payment of county or municipal costs, not to exceed \$250.⁴³

Issuance of a Uniform Traffic Citation

If the registered owner of the vehicle does not submit payment or otherwise contest the notice of violation within 60 days of being notified, the traffic infraction enforcement officer must issue

³⁷ Section 316.0083(1)(a), F.S.

³⁸ The first name on the registration in cases of joint registration is considered the registered owner.

Section 316.0083(1)(c)1.c., F.S.

³⁹ Sections 316.003(98) and 316.0083(1)(b), F.S.

⁴⁰ Sections 316.0083(1)(b)4. and 318.18(15)(d), F.S.

⁴¹ Section 322.27(3)(d)6., F.S.

⁴² Section 316.0083(1)(b)1.c., F.S.

⁴³ Section 318.18(22), F.S.

and send by certified mail a uniform traffic citation to the registered owner. The citation must also include the photograph and statements described above regarding review of the photographic or video evidence.⁴⁴ The report of a traffic infraction enforcement officer and images provided by a traffic infraction detector are admissible in court and provide a rebuttable presumption the vehicle was used in a violation.⁴⁵ A traffic infraction enforcement officer must provide by electronic transmission a replica of the citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the issuance date of the citation to the violator.⁴⁶

Defenses

The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that:⁴⁷

- The vehicle passed through the intersection to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
- The vehicle passed through the intersection at the direction of a law enforcement officer;
- The vehicle was, at the time of the violation, in the care, custody, or control of another person; or
- The driver at the time received a uniform traffic citation for the alleged violation issued by a law enforcement officer.

An additional defense is available if the motor vehicle's owner was deceased on or before the date the uniform traffic citation was issued.⁴⁸

To establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or the serial number of the uniform traffic citation, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and, if known, the driver license number of the driver. A traffic citation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation.⁴⁹ Submission of a false affidavit is a second degree misdemeanor.⁵⁰

If a vehicle is leased, the owner of the leased vehicle is neither responsible for paying the citation nor required to submit an affidavit if the motor vehicle is registered in the name of the lessee.⁵¹ Upon receipt of the affidavit and documentation of one of the above defenses, the governmental entity must dismiss the citation and provide proof of such dismissal to the person. If a person

⁴⁴ Section 316.0083(1)(c), F.S.

⁴⁵ Section 316.0083(1)(e), F.S.

⁴⁶ Section 316.650(3)(c), F.S.

⁴⁷ Section 316.0083(d)(1)1., F.S.

⁴⁸ Section 316.0083(1)(d)1.e., F.S.

⁴⁹ Section 316.0083(1)(d)2., F.S.

⁵⁰ Section 316.0083(1)(d)5., F.S.

⁵¹ Section 316.0083(d)3., F.S.

presents documentation from the appropriate governmental entity that the citation was issued in error, the clerk of court may dismiss the case and may not charge for such service.⁵²

Traffic Infraction Detector Litigation

In 2018, the Florida Supreme Court held that the review of red light camera images authorized by Florida law allows city's private third-party vendor, as its agent, to review and sort red light camera images to forward to a law enforcement officer when:

- The vendor's decisions are essentially ministerial and non-discretionary in that such decisions are strictly circumscribed by the contract language, guidelines promulgated by the city, and actual practices;
- Such ministerial decisions are additionally restricted by a broad policy that requires the vendor to automatically forward "close calls" to law enforcement for review;
- The law enforcement officer, not the vendor, makes the actual decision whether probable cause exists and whether a notice and citation should be issued; and
- The law enforcement officer's decision that probable cause exists and that the citation should be issued are supported by the responsible law enforcement officer's full, professional review which does not merely acquiesce to any decision by the vendor.⁵³

As such, s. 316.0083(1), F.S., authorizes a local government to contract with a third-party vendor to review and sort information and images from red light cameras before sending that information to a trained law enforcement officer. A law enforcement officer must then review the information and determine whether probable cause exists to issue a citation.

III. Effect of Proposed Changes:

The bill authorizes local governments to use speed detection systems to enforce speed limits within school zones during specified times.

Speed Detection Systems

The bill amends s. 316.0776, F.S., to authorize a county or municipality to place or install a speed detection system on a state road if permitted by the FDOT or on a street or highway under the local government's jurisdiction. The system must be placed and installed in accordance with regulations developed by the FDOT. The bill requires the FDOT to establish such placement and installation specifications by August 1, 2023.

The bill amends s. 316.003, F.S., to define "speed detection system" as:

A portable or fixed automated system used to record a vehicle's speed using radar and to capture a photograph or video of the rear of a vehicle that exceeds the speed limit in force at the time of violation.

The authority that installs a speed detection system is required to notify the public using uniform signage and devices adopted by the FDOT. Authorities that have never used a speed detection

⁵² Sections 316.0083(d)2. and 318.18(15)(c), F.S.

⁵³ *Jimenez v. State*, 246 So.3d 219 (Fla. 2018).

system program previously must make a public announcement and conduct a public awareness campaign on the proposed use of speed detection systems at least 30 days before commencing the enforcement program. During the 30-day public awareness campaign, the owner of a vehicle that is found to violate the speed limit in a school zone shall only be issued a warning and is not liable for any fines when the offense is enforced by a speed detection system.

Speed Detection Systems Design Requirements

The bill amends s. 316.1906, F.S., to exempt a speed detection system from the design requirements for radar units established by the DHSMV. Instead, the bill requires a speed detection system to have the ability to perform self-tests as to its detection accuracy, which must be performed at least once every 30 days. The bill requires the law enforcement agency, or an agent acting on behalf of the law enforcement agency, that is operating a speed detection system to:

- Maintain a log of the results of the system's self-tests; and
- Perform and log an independent calibration test on the speed detection system at least once every 12 months.

Traffic Infraction Enforcement Officers and Speed Detection Systems

The bill amends s. 316.1906, F.S., to modify the requirements related to evidence of speed of a vehicle as measured by a radar speed-measuring device. The bill authorizes evidence of a vehicle's speed as measured by a speed detection system and the determination by a traffic infraction enforcement officer that a vehicle is operating in excess of the applicable speed limit are admissible in court proceedings for a traffic citation issued for unlawful speed enforced by a speed detection system.

School Zones and Speed Detection Systems

The bill amends s. 316.008, F.S., to authorize a county or municipality to enforce speed limits in areas designated as school zones beginning 30 minutes before a regularly scheduled breakfast program or school session, during the day, and ending 30 minutes after the school session ends through the use of a speed detection system for the measurement of speed and recording of photographs or videos for violations that are in excess of ten miles per hour over the speed limit in force at the time of the violation.

A local government may place or install, or contract with a vendor to install, a speed detection system within a school zone to enforce speed limits in areas designated as school zones.

The bill creates s. 316.1896, F.S., which specifies that speed detection systems supplement the enforcement of speed limits and do not prohibit law enforcement officers from issuing citations for violations of speed limits in areas designated as school zones.

School Zone Signage

Under the bill, in s. 316.008, F.S., compliance with the legal requirements for establishing, installing, maintaining, and providing notice of a school zone and school speed zone under current law creates a rebuttable presumption that the school zone is being properly maintained, even if the school zone does not include a sign stating "Speeding Fines Doubled." The area must

maintain such signage as required by the FDOT. For use of speed detection systems in school speed zones, the bill amends s. 316.0776, F.S., also to provide that the sign for notification that speeding fines are doubled in the zone is not required to enforce speed violations in the zone using a speed detection system.

Unlawful Speed in Areas Maintained as School Zones

The bill creates s. 316.1896, F.S., to provide for enforcement of speed limits in school zones through the use of a speed detection system. If a speed detection system identifies a vehicle speeding, the visual information is captured and reviewed by either a traffic infraction enforcement officer of a sheriff's department or municipal police department or an authorized employee or agent of the enforcing entity before issuance of the traffic citation by the traffic infraction enforcement officer. Citations, for violations evidenced by a speed detection system, may be issued when a person violates the speed limit in force in excess of ten miles per hour over, for:

- A violation of s. 316.1895, F.S., of the restrictive speed limit in a school zone in place 30 minutes before and after the start of a regularly scheduled breakfast program or school session and in place 30 minutes before and after the end of a regularly scheduled school session; and
- A violation of s. 316.183, F.S., of the regular posted speed limit during the entirety of the regularly scheduled school session.

A notice of violation must be sent to the registered owner of the vehicle by first-class mail within 30 days of the alleged violation. As with the use of traffic infraction detectors, the notice must be accompanied by a photograph or other recorded image of the violation that shows both the license tag of the vehicle, the location and time, the vehicle's speed, and the posted speed at the time of the violation. The notice also must include a statement of the vehicle owner's right to review images or video of the violation and the time and place or Internet location where the evidence may be reviewed.

In order to avoid court fees, costs, and the issuance of a traffic citation, the bill requires a person who receives a notification of violation to, within 30 days after the notification, either:

- Pay to the county or municipality the penalty of \$100;
- Furnish an affidavit and supporting documentation establishing defenses discussed below; or
- Request a hearing.

Penalties

The bill amends s. 318.18, F.S., to provide that a person cited for exceeding the speed limit in a school zone when enforced by a traffic infraction enforcement officer using evidence from a speed detection device must pay a fine of \$100.

The bill provides, in created s. 316.1896, F.S., that funds collected for such violations are distributed as follows:

Distribution of Fines	
County or Municipality Where Violation Occurred	\$60
General Revenue Fund	\$20
Public School District Where Violation Occurred	\$12
Crossing Guard Recruitment and Retention Program ⁵⁴	\$5
Department of Law Enforcement Criminal Justice Standards and Training Trust Fund ⁵⁵	\$3

Funds retained by the county or municipality must be used to administer speed detection systems in school zones or other public safety initiatives. Funds distributed to the public school district where the violation occurred must be used for school security initiatives, to improve the safety of student walking conditions, or for student transportation; these funds must be shared with charter schools in the district based on each charter school’s proportionate share of the district’s total unweighted full-time equivalent student enrollment to be used for the same purposes.

Similar to violations of law found through use of traffic infraction detectors, the bill amends s. 322.27, F.S., to provide that no points may be imposed against a person’s driver license for speeding violations evidenced by speed detection systems and the violation may not be used for purposes of setting motor vehicle insurance rates.

This bill allows for the application of different fines for speeding in an area marked as a school zone depending on whether enforced in person by a law enforcement officer or by a traffic infraction enforcement officer through use of a speed detection system.

MPH Over the Legally Posted Speed Limit	Current Law		Under the Bill as Evidenced by a Speed Detection System	
	Fine – Regular Posted Speed Limit	Fine – School Zone Speed Limit	Fine – Regular Posted Speed Limit	Fine – School Zone Speed Limit
10-14 mph	\$100	\$200	\$100	\$100
15-19 mph	\$150	\$300	\$100	\$100
20-29 mph	\$175	\$350	\$100	\$100
30 mph or more	\$250	\$500	\$100	\$100

⁵⁴ Created in s. 316.1894, F.S. (Section 4 of the bill).

⁵⁵ See s. 943.25, F.S.

Defenses

The bill creates similar defenses to the traffic citation evidenced by a speed detection system as under current law for a traffic citation issued through use of a traffic infraction detector. The registered owner of the motor vehicle is responsible for payment of the fine unless the owner can establish that:⁵⁶

- The vehicle was, at the time of the violation, in the care, custody, or control of another person; or
- The driver at the time received a uniform traffic citation issued by a law enforcement officer for the alleged violation.

An additional defense is available if the motor vehicle's owner was deceased on or before the date the traffic citation was issued. The affidavit must include a certified copy of the owner's death certificate showing that the date of death occurred on or before the issuance of the uniform traffic citation and one of the following:

- A bill of sale or other document showing that the deceased owner's motor vehicle was sold or transferred after his or her death but on or before the date of the alleged violation.
- Documented proof that the registered license plate belonging to the deceased owner's vehicle was returned to the DHSMV or any branch office or authorized agent of the DHSMV after his or her death but on or before the date of the alleged violation.
- A copy of the police report showing that the deceased owner's registered license plate or motor vehicle was stolen after his or her death but on or before the date of the alleged violation.

Similar to defenses of traffic citations issued through use of a traffic infraction detector, the bill requires that in order to establish any of these defenses, the owner of the vehicle must furnish an affidavit to the appropriate governmental entity that provides detailed information supporting an exemption as provided above, including relevant documents such as a police report (if the car had been reported stolen) or the serial number of the uniform traffic citation, if issued. If the owner submits an affidavit that another driver was behind the wheel, the affidavit must contain the name, address, date of birth, and, if known, the driver license number of the driver. A notice of violation may be issued to this person, and the affidavit from the registered owner may be used as evidence in a further proceeding regarding that person's alleged violation. If a vehicle is leased, the owner of the leased vehicle is neither responsible for paying the citation nor required to submit an affidavit if the motor vehicle is registered in the name of the lessee.

The bill creates a second degree misdemeanor for submission of a false affidavit.⁵⁷

Upon receipt of the affidavit and documentation of one of the above defenses, the governmental entity must dismiss the citation and provide proof of such dismissal to the person.

Request for Hearing and Hearing Procedures

The hearing provisions created by the bill are similar to the hearing provisions in current law for traffic citations issued through use of a traffic infraction detector. The bill specifies that a hearing

⁵⁶ Section 316.0083(d)(1)1., F.S.

⁵⁷ Punishable by a term of imprisonment not to exceed 60 days and a fine of up to \$500. Sections 775.082 and 775.083, F.S.

to challenge a traffic citation issued by a traffic infraction enforcement officer for school speed zone violations must be conducted under the procedures established in law for traffic citations issued by traffic infraction enforcement officers in s. 316.0083(5), F.S.

Notwithstanding any other law, a person who receives a notice of violation may request a hearing within *30 days* following such notification or pay the \$100 penalty pursuant to the notice. The notice of violation must be accompanied by, or direct the person to a website that provides, information on the person's right to request a hearing and on all court costs related thereto and a form to request a hearing.

The bill provides that the evidence of the speed of the vehicle as measured by a speed detection system attached to or referenced in the traffic citation are evidence of a violation of school zone speed limits and are admissible in any proceeding to enforce school speed zone requirements. The bill further provides that the images or video and evidence of speed raise a rebuttable presumption that the motor vehicle named in the report or shown in the images or video was used in violation of school speed zone requirements.

The bill amends s. 316.1906, F.S., to allow the self-test logs, as well as the results of the annual calibration test, of speed detection systems to be admitted in any court proceeding for a traffic citation issued for a violation of speed limits in a school zone as detected by a speed detection system. Evidence of measured speed by a speed detection system and the determination by the traffic enforcement officer of the vehicle's operation over the speed limit are admissible in any proceeding related to speeding violations.

Issuance of Uniform Traffic Citation

Under the bill, if the registered owner of the vehicle does not submit payment or otherwise contest the notice of violation within 30 days of being notified, then a uniform traffic citation must be sent to the registered owner. Except for the method of mailing, which must be first class for a notice of violation and certified mail for a traffic citation, the bill requires the traffic citation to conform to the notice requirements included within the notification of violation. The bill specifies that delivery of the traffic citation constitutes notification, and if a person initiates a proceeding to challenge the citation, the person waives any challenge or dispute as to the delivery of the traffic citation.

The bill amends s. 316.650, F.S., to require a traffic infraction enforcement officer to provide by electronic transmission a replica of the traffic citation data to the court having jurisdiction over the alleged offense or its traffic violations bureau within five days after the date of issuance of the traffic citation to the violator.

The bill provides in s. 318.14, F.S., that persons cited for unlawful speeding in areas designated as school zones as detected by a speed detection system are not required to sign and accept a citation indicating a promise to appear at a mandatory hearing. The bill amends s. 316.650, F.S., to provide that, if a hearing is requested, the traffic infraction enforcement officer must provide a replica of the traffic notice of violation data to the clerk for the local hearing officer having jurisdiction over the alleged offense within 14 days.

School Crossing Guard Recruitment and Retention Programs

The bill creates s. 316.1894, F.S., to require the law enforcement agency of a local government using the speed detection system program created by this bill to use the funds generated from the program for a School Crossing Guard Recruitment and Retention Program. The law enforcement agency has discretion to design and manage crossing guard recruitment and retention programs within its jurisdiction. The bill specifies these programs may provide recruitment and retention stipends to crossing guards at public schools, including charter schools, or stipends to third parties for the recruitment of new crossing guards.

Effective Date

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None Identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may generate an indeterminable amount of revenue for companies that manufacture and install speed detection systems.

Individuals speeding in areas designated as school zones may be subject to fines if found in violation by a traffic infraction enforcement officer reviewing the evidence of the

speed detection system. Individuals that submit false affidavits defending the imposition of a traffic infraction may be subject to jail time and fines if found guilty of a second degree misdemeanor.

A portion of funds generated from such fines is provided for school crossing guard recruitment and retention programs, which may include stipends for crossing guards or stipends to third parties for the recruitment of new crossing guards.

C. Government Sector Impact:

The bill will have an indeterminate impact on state and local government.

The Department of Revenue and the clerks of court will need to update their systems in order to account for this new fine. The DHSMV will have to update the Uniform Traffic Citation template as well as create a new violation code for UTC reporting. The FDOT is required to establish placement and installation specifications.

Local governments that elect to implement a speed detection system program and the state government may experience a positive fiscal impact on revenues related to increased enforcement of unlawful speed in school zones. Collection of fines benefit the General Revenue Fund, the Department of Law Enforcement Criminal Justice Standards and Training Trust Fund, public school districts, and local governments.

Fines may offset any costs the local government incurs to implement the system, as the portion of fines retained by the counties and municipalities must be used to administer speed detection systems in school zones or other public safety initiatives. Funds distributed to the public school district where the violation occurred must be used for school security initiatives, to improve the safety of student walking conditions, or for student transportation; these funds must be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment to be used for the same purposes.

Local government costs associated with using speed detection equipment in school zones may vary depending on the unique needs and circumstances in each county or municipality. Costs may be influenced by numerous factors, such as equipment choices, operational and administrative decisions made by the county or municipality, and contractual agreements with vendors.⁵⁸ Local governments will also incur costs to mail notices of violations and issue traffic citations (first-class mail and certified mail, respectively).

VI. Technical Deficiencies:

None.

⁵⁸ See Department of Education, 2022 Agency Legislative Bill Analysis, SB 410, (October 13, 2021) p. 4.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 316.003, 316.008, 316.0776, 316.1906, 318.18, 322.27, 316.306, 316.640, 316.650, 318.14, 318.21, and 655.960.

This bill creates the following sections of the Florida Statutes: 316.1894 and 316.1896.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 14, 2023:

The CS provides clarity, makes technical changes, and updates incorrect cross-references. Specifically, the CS:

- Clarifies that during the 30-day public awareness campaign a person may not be cited for unlawful speed in a school zone *only* if enforced by a speed detection system;
- Provides that the law enforcement agency shall use all the funds, instead of a portion of, provided from violations to the School crossing guard recruitment and retention program for the program; and
- Corrects cross-references in sections 4 and 5 of the bill, which create ss. 316.1894 and 316.1896, F.S.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Rodriguez) recommended the following:

Senate Amendment (with title amendment)

Delete lines 134 - 526

and insert:

Section 3. Section 316.0776, Florida Statutes, is amended to read:

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

(1) Traffic infraction detectors are allowed on state roads when permitted by the Department of Transportation and under



11 placement and installation specifications developed by the
12 Department of Transportation. Traffic infraction detectors are
13 allowed on streets and highways under the jurisdiction of
14 counties or municipalities in accordance with placement and
15 installation specifications developed by the Department of
16 Transportation.

17 (2) (a) If the department, county, or municipality installs
18 a traffic infraction detector at an intersection, the
19 department, county, or municipality must ~~shall~~ notify the public
20 that a traffic infraction device may be in use at that
21 intersection and must specifically include notification of
22 camera enforcement of violations concerning right turns. Such
23 signage used to notify the public must meet the specifications
24 for uniform signals and devices adopted by the Department of
25 Transportation pursuant to s. 316.0745.

26 (b) If the department, county, or municipality begins a
27 traffic infraction detector program in a county or municipality
28 that has never conducted such a program, the respective
29 department, county, or municipality must ~~shall~~ also make a
30 public announcement and conduct a public awareness campaign of
31 the proposed use of traffic infraction detectors at least 30
32 days before commencing the enforcement program.

33 (3) A speed detection system may be placed or installed on
34 a state road after such placement or installation is permitted
35 by the Department of Transportation and in accordance with
36 placement and installation specifications developed by the
37 Department of Transportation. A speed detection system may be
38 placed or installed on a street or highway under the
39 jurisdiction of a county or a municipality in accordance with



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40 placement and installation specifications established by the
41 Department of Transportation. The Department of Transportation
42 shall establish such placement and installation specifications
43 by August 1, 2023.

44 (a) If a county or municipality places or installs a speed
45 detection system on a road maintained as a school zone as
46 provided in s. 316.1895, the county or municipality must notify
47 the public that a speed detection system may be in use, by
48 posting signage of camera or video enforcement of violations.
49 Such signage used to notify the public must meet the
50 specifications for uniform signals and devices adopted by the
51 Department of Transportation pursuant to s. 316.0745. For speed
52 detection systems enforcing violations of ss. 316.183 and
53 316.1895 on roads maintained as school zones, this paragraph
54 governs the signage notifying the public of the use of a speed
55 detection system, and a sign stating "Speeding Fines Doubled,"
56 as provided in s. 316.1895(6), is not required when a violation
57 of s. 316.1895 is enforced by a speed detection system in a
58 designated school zone.

59 (b) If a county or municipality begins a speed detection
60 system program and has never previously conducted such a
61 program, the respective county or municipality must make a
62 public announcement and conduct a public awareness campaign on
63 the proposed use of speed detection systems at least 30 days
64 before commencing enforcement under the speed detection system
65 program and must notify the public of the specific date on which
66 the program will commence. During the 30-day public awareness
67 campaign about the speed detection system program, only a
68 warning may be issued to the registered owner for a violation of



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69 s. 316.183 or s. 316.1895, enforced by a speed detection system,
70 and liability may not be imposed for the civil penalty under s.
71 318.18(3)(d).

72 Section 4. Section 316.1894, Florida Statutes, is created
73 to read:

74 316.1894 School crossing guard recruitment and retention
75 programs.—The law enforcement agency in the local government
76 unit administering a program that fines motorists for violations
77 of the speed limit on a road maintained as a school zone
78 pursuant to s. 316.1895 shall use the funds generated from the
79 program pursuant to s. 316.1896(6)(e) for school crossing guard
80 recruitment and retention programs. These programs may provide
81 recruitment and retention stipends to crossing guards at K-12
82 public schools, including charter schools, or stipends to third
83 parties for the recruitment of new crossing guards. The
84 administering law enforcement agency has discretion to design
85 and manage crossing guard recruitment and retention programs
86 within its local jurisdiction.

87 Section 5. Section 316.1896, Florida Statutes, is created
88 to read:

89 316.1896 Areas maintained as school zones; speed detection
90 system enforcement; penalties; appeal procedure.—

91 (1) For purposes of administering this section, a county or
92 municipality may authorize a traffic infraction enforcement
93 officer under s. 316.640 to issue a traffic citation for a
94 violation of the speed limit on a road maintained as a school
95 zone pursuant to s. 316.1895, as follows:

96 (a) For a violation of s. 316.1895 in excess of 10 miles
97 per hour over the restrictive speed limit which occurs within 30



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98 minutes before or after a regularly scheduled breakfast program
99 or a regularly scheduled school session.

100 (b) For a violation of s. 316.183 in excess of 10 miles per
101 hour over the posted speed limit during the entirety of a
102 regularly scheduled school session.

103 (c) For a violation of s. 316.1895 in excess of 10 miles
104 per hour over the restrictive speed limit 30 minutes before or
105 after the end of a regularly scheduled school session.

106
107 Such violation must be evidenced by a speed detection system.
108 This subsection does not prohibit a review of information from a
109 speed detection system by an authorized employee or agent of a
110 county or municipality before issuance of the traffic citation
111 by the traffic infraction enforcement officer. This subsection
112 does not prohibit a county or municipality from issuing
113 notifications as provided in subsection (3) to the registered
114 owner of the motor vehicle in violation of s. 316.183 or s.
115 316.1895.

116 (2) Any notification or traffic citation issued through the
117 use of a speed detection system must include a photograph or
118 other recorded image showing the license tag of the vehicle; the
119 date, time, and location of the vehicle; the maximum speed at
120 which the vehicle was traveling; and the posted speed at the
121 time of the violation.

122 (3) Within 30 days after a violation, notification must be
123 sent to the registered owner of the motor vehicle involved in
124 the violation, specifying the remedies available under s. 318.14
125 and that the violator must pay the penalty under s. 318.18(3)(d)
126 to the county or municipality, or furnish an affidavit in



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127 accordance with subsection (9), within 30 days after the date of
128 the notification of violation in order to avoid court fees,
129 costs, and the issuance of a traffic citation. The notification
130 of violation must:

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

132 (b) Include a notice that the owner has the right to
133 review, in person or remotely, the photographic or electronic
134 images or streaming video and the evidence of the speed of the
135 vehicle as measured by a speed detection system which constitute
136 a rebuttable presumption against the owner of the vehicle.

137 (c) State the time when, and place or website where, the
138 images or video and evidence of speed may be examined and
139 observed.

140 (4) Notwithstanding any other law, a person who receives a
141 notification of violation under this section may request a
142 hearing within 30 days after the notification of violation or
143 pay the penalty pursuant to the notification of violation, but a
144 payment or fee may not be required before the hearing requested
145 by the person. The notification of violation must be accompanied
146 by, or direct the person to a website that provides, information
147 on the person's right to request a hearing, information on all
148 court-related costs, and a form for requesting a hearing. As
149 used in this subsection, the term "person" includes a natural
150 person, the registered owner or co-owner of a motor vehicle, or
151 the person identified in an affidavit as having actual care,
152 custody, or control of a motor vehicle at the time of the
153 violation.

154 (5) If the registered owner or co-owner of the motor
155 vehicle; the person designated as having care, custody, or



156 control of the motor vehicle at the time of the violation; or an
157 authorized representative of the owner, co-owner, or designated
158 person initiates a proceeding to challenge the violation, he or
159 she waives any challenge or dispute as to the delivery of the
160 notification of violation.

161 (6) Penalties assessed and collected by the county or
162 municipality authorized to collect the funds provided for in
163 this section, less the amount retained by the county or
164 municipality pursuant to paragraphs (b) and (e) and the amount
165 remitted to the public school district pursuant to paragraph
166 (d), must be paid to the Department of Revenue weekly. Payment
167 by the county or municipality to the state must be made by means
168 of electronic funds transfer. In addition to the payment, a
169 detailed summary of the penalties remitted must be reported to
170 the Department of Revenue. Penalties assessed and collected by
171 the county or municipality as established in s. 318.18(3)(d)
172 shall be remitted or retained as follows:

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

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

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

181 (d) Twelve dollars shall be remitted by the county or
182 municipality to the public school district in which the
183 violation occurred and must be used for school security
184 initiatives, for student transportation, or to improve the



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

191 (e) Five dollars shall be retained by the county or
192 municipality and must be used for crossing guard recruitment and
193 retention pursuant to s. 316.1894.

194 (7) A traffic citation must be issued by mailing the
195 traffic citation by certified mail to the address of the
196 registered owner of the motor vehicle involved in the violation
197 if payment has not been made within 30 days after notification
198 under subsection (3), if the registered owner has not requested
199 a hearing as authorized under subsection (4), or if the
200 registered owner has not submitted an affidavit in accordance
201 with subsection (9).

202 (a) Delivery of the traffic citation constitutes
203 notification under this subsection. If the registered owner or
204 co-owner of the motor vehicle; the person designated as having
205 care, custody, or control of the motor vehicle at the time of
206 the violation; or a duly authorized representative of the owner,
207 co-owner, or designated person initiates a proceeding to
208 challenge the citation pursuant to this section, he or she
209 waives any challenge or dispute as to the delivery of the
210 traffic citation.

211 (b) In the case of joint ownership of a motor vehicle, the
212 traffic citation must be mailed to the first name appearing on
213 the motor vehicle registration, unless the first name appearing



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

216 (c) Included with the notification to the registered owner
217 of the motor vehicle involved in the infraction must be a notice
218 that the owner has a right to review, in person or remotely, the
219 photographic or electronic images or streaming video and the
220 evidence of the speed of the vehicle as measured by a speed
221 detection system which constitute a rebuttable presumption
222 against the owner of the vehicle. The notice must state the time
223 when, and place or website where, the images or video and
224 evidence of speed may be examined and observed.

225 (8) The registered owner of the motor vehicle involved in
226 the violation is responsible and liable for paying the uniform
227 traffic citation issued for a violation of s. 316.183 or s.
228 316.1895 unless the owner can establish that:

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

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

234 (c) The motor vehicle's registered owner was deceased on or
235 before the date that the uniform traffic citation was issued, as
236 established by an affidavit submitted by the representative of
237 the motor vehicle owner's estate or other designated person or
238 family member.

239 (9) To establish such facts under subsection (8), the
240 registered owner of the motor vehicle must, within 30 days after
241 the date of issuance of the traffic citation, furnish to the
242 appropriate governmental entity an affidavit setting forth



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243 detailed information supporting an exception under subsection
244 (8).

245 (a) An affidavit supporting an exemption under paragraph
246 (8)(a) must include the name, address, date of birth, and, if
247 known, the driver license number of the person who leased,
248 rented, or otherwise had care, custody, or control of the motor
249 vehicle at the time of the alleged violation. If the motor
250 vehicle was stolen at the time of the alleged violation, the
251 affidavit must include the police report indicating that the
252 motor vehicle was stolen.

253 (b) If a uniform traffic citation for a violation of s.
254 316.183 or s. 316.1895 was issued at the location of the
255 violation by a law enforcement officer, the affidavit must
256 include the serial number of the uniform traffic citation.

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

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

265 2. Documented proof that the registered license plate
266 belonging to the deceased owner's vehicle was returned to the
267 department or any branch office or authorized agent of the
268 department after his or her death but on or before the date of
269 the alleged violation.

270 3. A copy of the police report showing that the deceased
271 owner's registered license plate or motor vehicle was stolen



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272 after his or her death, but on or before the date of the alleged
273 violation.

274
275 Upon receipt of the affidavit and documentation required under
276 this paragraph, the governmental entity must dismiss the
277 citation and provide proof of such dismissal to the person who
278 submitted the affidavit.

279 (10) Upon receipt of an affidavit, the person designated as
280 having care, custody, or control of the motor vehicle at the
281 time of the violation may be issued a notification of violation
282 pursuant to subsection (3) for a violation of s. 316.183 or s.
283 316.1895. The affidavit is admissible in a proceeding pursuant
284 to this section for the purpose of providing proof that the
285 person identified in the affidavit was in actual care, custody,
286 or control of the motor vehicle. The owner of a leased vehicle
287 for which a traffic citation is issued for a violation of s.
288 316.183 or s. 316.1895 is not responsible for paying the traffic
289 citation and is not required to submit an affidavit as specified
290 in this section if the motor vehicle involved in the violation
291 is registered in the name of the lessee of such motor vehicle.

292 (11) If a county or municipality receives an affidavit
293 under subsection (9), the notification of violation required
294 under subsection (3) must be sent to the person identified in
295 the affidavit within 30 days after receipt of the affidavit.

296 (12) The submission of a false affidavit is a misdemeanor
297 of the second degree, punishable as provided in s. 775.082 or s.
298 775.083.

299 (13) The photographic or electronic images or the streaming
300 video evidence and the evidence of the speed of the vehicle as



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301 measured by a speed detection system which are attached to or
302 referenced in the traffic citation are evidence of a violation
303 of s. 316.183 or s. 316.1895 and are admissible in any
304 proceeding to enforce this section. The images or video and
305 evidence of speed raise a rebuttable presumption that the motor
306 vehicle named in the report or shown in the images or video was
307 used in violation of s. 316.183 or s. 316.1895.

308 (14) This section supplements the enforcement of ss.
309 316.183 and 316.1895 by law enforcement officers and does not
310 prohibit a law enforcement officer from issuing a traffic
311 citation for a violation of s. 316.183 or s. 316.1895.

312 (15) A hearing under this section must be conducted under
313 the procedures established by s. 316.0083(5) and as follows:

314 (a) The department shall publish and make available
315 electronically to each county and municipality a model request
316 for hearing form to assist each local government administering
317 this section.

318 (b) The county or municipality electing to authorize
319 traffic infraction enforcement officers to issue traffic
320 citations under subsection (1) shall designate by resolution
321 existing staff to serve as the clerk to the local hearing
322 officer.

323 (c) Any person, referred to as the "petitioner" in this
324 subsection, who elects to request a hearing under subsection (4)
325 shall be scheduled for a hearing by the clerk to the local
326 hearing officer. The clerk must furnish the petitioner with
327 notice to be sent by first-class mail. Upon receipt of the
328 notice, the petitioner may reschedule the hearing once by
329 submitting a written request to reschedule to the clerk to the



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330 local hearing officer at least 5 calendar days before the day of
331 the originally scheduled hearing. The petitioner may cancel his
332 or her appearance before the local hearing officer by paying the
333 penalty assessed under subsection (3), plus the administrative
334 costs established in s. 316.0083(5)(c), before the start of the
335 hearing.

336 (d) All testimony at the hearing must be under oath and
337 must be recorded. The local hearing officer shall take testimony
338 from a traffic infraction enforcement officer and the petitioner
339 and may take testimony from others. The local hearing officer
340 shall review the photographic or electronic images or streaming
341 video and the evidence of the speed of the vehicle as measured
342 by a speed detection system made available under paragraph
343 (3)(b). Formal rules of evidence do not apply, but due process
344 must be observed and must govern the proceedings.

345 (e) At the conclusion of the hearing, the local hearing
346 officer shall determine whether a violation under this section
347 occurred and shall uphold or dismiss the violation. The local
348 hearing officer shall issue a final administrative order
349 including the determination and, if the notification of
350 violation is upheld, must require the petitioner to pay the
351 penalty previously assessed under subsection (3), and may also
352 require the petitioner to pay county or municipal costs not to
353 exceed the amount established in s. 316.0083(5)(e). The final
354 administrative order must be mailed to the petitioner by first-
355 class mail.

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

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



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359 316.1906, Florida Statutes, is amended, and subsection (3) is
360 added to that section, to read:

361 316.1906 Radar speed-measuring devices; evidence,
362 admissibility.—

363 (1) DEFINITIONS.—

364 (d) "Officer" means any:

365 1. "Law enforcement officer" who is elected, appointed, or
366 employed full time by any municipality or the state or any
367 political subdivision thereof; who is vested with the authority
368 to bear arms and make arrests; and whose primary responsibility
369 is the prevention and detection of crime or the enforcement of
370 the penal, criminal, traffic, or highway laws of the state;

371 2. "Part-time law enforcement officer" who is employed or
372 appointed less than full time, as defined by an employing
373 agency, with or without compensation; who is vested with
374 authority to bear arms and make arrests; and whose primary
375 responsibility is the prevention and detection of crime or the
376 enforcement of the penal, criminal, traffic, or highway laws of
377 the state; ~~or~~

378 3. "Auxiliary law enforcement officer" who is employed or
379 appointed, with or without compensation; who aids or assists a
380 full-time or part-time law enforcement officer; and who, while
381 under the direct supervision of a full-time or part-time law
382 enforcement officer, has the authority to arrest and perform law
383 enforcement functions; or

384 4. "Traffic infraction enforcement officer" who is employed
385 or appointed, with or without compensation, and who satisfies
386 the requirements of s. 316.640(5) and is vested with authority
387 to enforce a violation of s. 316.183 or s. 316.1895 pursuant to



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388 s. 316.1896.

389 (3) A speed detection system is exempt from the design
390 requirements for radar units established by the department. A
391 speed detection system must have the ability to perform self-
392 tests as to its detection accuracy. The system must perform a
393 self-test at least once every 30 days. The law enforcement
394 agency, or an agent acting on behalf of the law enforcement
395 agency, operating a speed detection system shall maintain a log
396 of the results of the system's self-tests. The law enforcement
397 agency, or an agent acting on behalf of the law enforcement
398 agency, operating a speed detection system shall also perform an
399 independent calibration test on the speed detection system at
400 least once every 12 months. The self-test logs, as well as the
401 results of the annual calibration test, are admissible in any
402 court proceeding for a traffic citation issued for a violation
403 of s. 316.183 or s. 316.1895 enforced pursuant to s. 316.1896.
404 Notwithstanding subsection (2), evidence of a vehicle's speed
405 measured by a speed detection system compliant with this
406 subsection and the determination by a traffic infraction
407 enforcement officer that a vehicle is operating in excess of the
408 applicable speed limit is admissible in any proceeding with
409 respect to an alleged violation of law regulating the speed of
410 vehicles.

411 Section 7. Present paragraphs (d) through (h) of subsection
412 (3) of section 318.18, Florida Statutes, are redesignated as
413 paragraphs (e) through (i), respectively, and a new paragraph
414 (d) is added to that subsection, to read:

415 318.18 Amount of penalties.—The penalties required for a
416 noncriminal disposition pursuant to s. 318.14 or a criminal



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417 offense listed in s. 318.17 are as follows:

418 (3)

419 (d) Notwithstanding paragraphs (b) and (c), a person cited
420 for exceeding the speed limit in force at the time of the
421 violation on a road maintained as a school zone as provided in

422
423 ===== T I T L E A M E N D M E N T =====

424 And the title is amended as follows:

425 Delete line 24

426 and insert:

427 requiring local governments to use funds

By Senator Rodriguez

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1 A bill to be entitled
 2 An act relating to enforcement of school zone speed
 3 limits; amending s. 316.003, F.S.; defining the term
 4 "speed detection system"; amending s. 316.008, F.S.;
 5 authorizing counties and municipalities to install, or
 6 contract with a vendor to install, speed detection
 7 systems in school zones; authorizing counties and
 8 municipalities to enforce speed limits in school zones
 9 on certain roads and at specified periods through the
 10 use of speed detection systems; providing a rebuttable
 11 presumption; amending s. 316.0776, F.S.; specifying
 12 conditions for the placement or installation of speed
 13 detection systems; requiring the Department of
 14 Transportation to establish certain specifications by
 15 a specified date; requiring counties and
 16 municipalities that install speed detection systems in
 17 school zones to provide certain notice to the public;
 18 specifying signage requirements; requiring counties
 19 and municipalities that have never conducted a speed
 20 detection system program to conduct a public awareness
 21 campaign before commencing enforcement using such
 22 system; limiting penalties in effect during the public
 23 awareness campaign; creating s. 316.1894, F.S.;
 24 requiring local governments to use a portion of funds
 25 generated from a certain program for school crossing
 26 guard recruitment and retention; providing that the
 27 administering law enforcement agency has certain
 28 discretion within its local jurisdiction; creating s.
 29 316.1896, F.S.; authorizing counties and

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30 municipalities to authorize traffic infraction
 31 enforcement officers to issue traffic citations for
 32 certain violations; requiring notification or traffic
 33 citations issued through the use of a speed detection
 34 system to contain certain items; providing
 35 construction; specifying notification requirements and
 36 procedures; authorizing a person who receives a
 37 notification of violation to request a hearing within
 38 a specified timeframe; defining the term "person";
 39 providing for waiver of challenge or dispute as to the
 40 delivery of the notification of violation; requiring
 41 counties and municipalities to pay certain funds to
 42 the Department of Revenue; providing for the
 43 distribution of funds; specifying requirements for
 44 issuance of a traffic citation; providing for waiver
 45 of challenge or dispute as to the delivery of the
 46 traffic citation; specifying notification requirements
 47 and procedures; specifying that the registered owner
 48 of a motor vehicle is responsible and liable for
 49 paying a traffic citation; providing exceptions;
 50 requiring an owner of a motor vehicle to furnish an
 51 affidavit under certain circumstances; specifying
 52 requirements for such affidavit; requiring that the
 53 citation be dismissed if an affidavit and certain
 54 documentation are received by a governmental entity;
 55 providing that the affidavit is admissible in a
 56 proceeding for the purpose of proving who was
 57 operating the motor vehicle at the time of the
 58 violation; providing that the owner of a leased

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59 vehicle is not responsible for paying a traffic
60 citation or submitting an affidavit; specifying a
61 timeframe for a county or a municipality to issue a
62 notification under certain circumstances; providing a
63 criminal penalty for submitting a false affidavit;
64 providing that certain images or video and evidence of
65 speed are admissible in certain proceedings; providing
66 a rebuttable presumption; providing construction;
67 specifying requirements and procedures for hearings;
68 providing procedures for appeal; amending s. 316.1906,
69 F.S.; revising the definition of the term "officer";
70 exempting a speed detection system from the design
71 requirements for radar units; specifying requirements
72 for speed detection systems; requiring a law
73 enforcement agency and its agents operating a speed
74 detection system to maintain a log of results of the
75 system's self-tests; requiring a law enforcement
76 agency and its agents to perform independent
77 calibration tests of such systems; providing for the
78 admissibility of certain evidence in certain
79 proceedings; amending s. 318.18, F.S.; providing a
80 civil penalty for a certain speed limit violation;
81 amending s. 322.27, F.S.; prohibiting points from
82 being imposed against a driver license for certain
83 infractions enforced by a traffic infraction
84 enforcement officer; prohibiting such infractions from
85 being used to set motor vehicle insurance rates;
86 amending ss. 316.306, 316.640, 316.650, 318.14,
87 318.21, and 655.960, F.S.; conforming cross-references

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88 and provisions to changes made by the act; providing
89 an effective date.

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

92
93 Section 1. Present subsections (82) through (109) of
94 section 316.003, Florida Statutes, are redesignated as
95 subsections (83) through (110), respectively, a new subsection
96 (82) is added to that section, and subsection (64) of that
97 section is amended, to read:

98 316.003 Definitions.—The following words and phrases, when
99 used in this chapter, shall have the meanings respectively
100 ascribed to them in this section, except where the context
101 otherwise requires:

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

106 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
107 system used to record a vehicle's speed using radar and to
108 capture a photograph or video of the rear of a vehicle that
109 exceeds the speed limit in force at the time of a violation.

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

112 316.008 Powers of local authorities.—

113 (9) (a) A county or municipality may place or install, or
114 contract with a vendor to place or install, a speed detection
115 system on a road maintained as a school zone as provided in s.
116 316.1895 to enforce unlawful speed violations of s. 316.183 or

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117 316.1895 on that road.

118 (b) A county or municipality may enforce speed limits on
 119 roads maintained as school zones pursuant to s. 316.1895 within
 120 30 minutes before and after a regularly scheduled breakfast
 121 program or a regularly scheduled school session at the
 122 restrictive school zone speed limit; during the entirety of a
 123 regularly scheduled school session at the nonrestrictive speed
 124 limit; and 30 minutes before and after the end of a regularly
 125 scheduled school session at the restrictive school zone speed
 126 limit, through the use of a speed detection system for the
 127 measurement of speed and recording of photographs or videos for
 128 violations in excess of 10 miles per hour over the posted speed
 129 limit in force at the time of the violation. A school zone's
 130 compliance with s. 316.1895, except for s. 316.1895(6) relating
 131 to a sign stating "Speeding Fines Doubled" as otherwise
 132 specified in s. 316.0776, creates a rebuttable presumption that
 133 the school zone is being properly maintained.

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

136 316.0776 Traffic infraction detectors; placement and
 137 installation.—

138 (3) A speed detection system may be placed or installed on
 139 a state road after such placement or installation is permitted
 140 by the Department of Transportation and in accordance with
 141 placement and installation specifications developed by the
 142 Department of Transportation. A speed detection system may be
 143 placed or installed on a street or highway under the
 144 jurisdiction of a county or a municipality in accordance with
 145 placement and installation specifications established by the

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146 Department of Transportation. The Department of Transportation
 147 shall establish such placement and installation specifications
 148 by August 1, 2023.

149 (a) If a county or municipality places or installs a speed
 150 detection system on a road maintained as a school zone as
 151 provided in s. 316.1895, the county or municipality must notify
 152 the public that a speed detection system may be in use, by
 153 posting signage of camera or video enforcement of violations.
 154 Such signage used to notify the public must meet the
 155 specifications for uniform signals and devices adopted by the
 156 Department of Transportation pursuant to s. 316.0745. For speed
 157 detection systems enforcing violations of ss. 316.183 and
 158 316.1895 on roads maintained as school zones, this paragraph
 159 governs the signage notifying the public of the use of a speed
 160 detection system, and a sign stating "Speeding Fines Doubled,"
 161 as provided in s. 316.1895(6), is not required when a violation
 162 of s. 316.1895 is enforced by a speed detection system in a
 163 designated school zone.

164 (b) If a county or municipality begins a speed detection
 165 system program and has never previously conducted such a
 166 program, the respective county or municipality must make a
 167 public announcement and conduct a public awareness campaign on
 168 the proposed use of speed detection systems at least 30 days
 169 before commencing enforcement under the speed detection system
 170 program and must notify the public of the specific date on which
 171 the program will commence. During the 30-day public awareness
 172 campaign about the speed detection system program, only a
 173 warning may be issued to the registered owner for a violation of
 174 s. 316.183 or s. 316.1895, and liability may not be imposed for

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175 the civil penalty under s. 318.18(3)(d).

176 Section 4. Section 316.1894, Florida Statutes, is created
177 to read:

178 316.1894 School crossing guard recruitment and retention
179 programs.—The law enforcement agency in the local government
180 unit administering a program that fines motorists for violations
181 of the speed limit on a road maintained as a school zone
182 pursuant to s. 316.1895 shall use a portion of funds generated
183 from the program pursuant to s. 316.1896(5)(e) for school
184 crossing guard recruitment and retention programs. These
185 programs may provide recruitment and retention stipends to
186 crossing guards at K-12 public schools, including charter
187 schools, or stipends to third parties for the recruitment of new
188 crossing guards. The administering law enforcement agency has
189 discretion to design and manage crossing guard recruitment and
190 retention programs within its local jurisdiction.

191 Section 5. Section 316.1896, Florida Statutes, is created
192 to read:

193 316.1896 Areas maintained as school zones; speed detection
194 system enforcement; penalties; appeal procedure.—

195 (1) For purposes of administering this section, a county or
196 municipality may authorize a traffic infraction enforcement
197 officer under s. 316.640 to issue a traffic citation for a
198 violation of the speed limit on a road maintained as a school
199 zone pursuant to s. 316.1895, as follows:

200 (a) For a violation of s. 316.1895 in excess of 10 miles
201 per hour over the restrictive speed limit which occurs within 30
202 minutes before or after a regularly scheduled breakfast program
203 or a regularly scheduled school session.

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204 (b) For a violation of s. 316.183 in excess of 10 miles per
205 hour over the posted speed limit during the entirety of a
206 regularly scheduled school session.

207 (c) For a violation of s. 316.1895 in excess of 10 miles
208 per hour over the restrictive speed limit 30 minutes before or
209 after the end of a regularly scheduled school session.

210 Such violation must be evidenced by a speed detection system.
211 This subsection does not prohibit a review of information from a
212 speed detection system by an authorized employee or agent of a
213 county or municipality before issuance of the traffic citation
214 by the traffic infraction enforcement officer. This subsection
215 does not prohibit a county or municipality from issuing
216 notifications as provided in subsection (2) to the registered
217 owner of the motor vehicle in violation of s. 316.183 or s.
218 316.1895.

219 (2) Any notification or traffic citation issued through the
220 use of a speed detection system must include a photograph or
221 other recorded image showing the license tag of the vehicle; the
222 date, time, and location of the vehicle; the maximum speed at
223 which the vehicle was traveling; and the posted speed at the
224 time of the violation.

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

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233 costs, and the issuance of a traffic citation. The notification
 234 of violation must:

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

236 (b) Include a notice that the owner has the right to
 237 review, in person or remotely, the photographic or electronic
 238 images or streaming video and the evidence of the speed of the
 239 vehicle as measured by a speed detection system which constitute
 240 a rebuttable presumption against the owner of the vehicle.

241 (c) State the time when, and place or website where, the
 242 images or video and evidence of speed may be examined and
 243 observed.

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

258 (5) If the registered owner or co-owner of the motor
 259 vehicle; the person designated as having care, custody, or
 260 control of the motor vehicle at the time of the violation; or an
 261 authorized representative of the owner, co-owner, or designated

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262 person initiates a proceeding to challenge the violation, he or
 263 she waives any challenge or dispute as to the delivery of the
 264 notification of violation.

265 (6) Penalties assessed and collected by the county or
 266 municipality authorized to collect the funds provided for in
 267 this section, less the amount retained by the county or
 268 municipality pursuant to paragraphs (b) and (e) and the amount
 269 remitted to the public school district pursuant to paragraph
 270 (d), must be paid to the Department of Revenue weekly. Payment
 271 by the county or municipality to the state must be made by means
 272 of electronic funds transfer. In addition to the payment, a
 273 detailed summary of the penalties remitted must be reported to
 274 the Department of Revenue. Penalties assessed and collected by
 275 the county or municipality as established in s. 318.18(3) (d)
 276 shall be remitted or retained as follows:

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

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

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

285 (d) Twelve dollars shall be remitted by the county or
 286 municipality to the public school district in which the
 287 violation occurred and must be used for school security
 288 initiatives, for student transportation, or to improve the
 289 safety of student walking conditions. Funds remitted under this
 290 paragraph shall be shared with charter schools in the district

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291 based on each charter school's proportionate share of the
 292 district's total unweighted full-time equivalent student
 293 enrollment and must be used for school security initiatives or
 294 to improve the safety of student walking conditions.

295 (e) Five dollars shall be retained by the county or
 296 municipality and must be used for crossing guard recruitment and
 297 retention pursuant to s. 316.1894.

298 (7) A traffic citation must be issued by mailing the
 299 traffic citation by certified mail to the address of the
 300 registered owner of the motor vehicle involved in the violation
 301 if payment has not been made within 30 days after notification
 302 under subsection (2), if the registered owner has not requested
 303 a hearing as authorized under subsection (3), or if the
 304 registered owner has not submitted an affidavit in accordance
 305 with subsection (8).

306 (a) Delivery of the traffic citation constitutes
 307 notification under this subsection. If the registered owner or
 308 co-owner of the motor vehicle; the person designated as having
 309 care, custody, or control of the motor vehicle at the time of
 310 the violation; or a duly authorized representative of the owner,
 311 co-owner, or designated person initiates a proceeding to
 312 challenge the citation pursuant to this section, he or she
 313 waives any challenge or dispute as to the delivery of the
 314 traffic citation.

315 (b) In the case of joint ownership of a motor vehicle, the
 316 traffic citation must be mailed to the first name appearing on
 317 the motor vehicle registration, unless the first name appearing
 318 on the registration is a business organization, in which case
 319 the second name appearing on the registration may be used.

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320 (c) Included with the notification to the registered owner
 321 of the motor vehicle involved in the infraction must be a notice
 322 that the owner has a right to review, in person or remotely, the
 323 photographic or electronic images or streaming video and the
 324 evidence of the speed of the vehicle as measured by a speed
 325 detection system which constitute a rebuttable presumption
 326 against the owner of the vehicle. The notice must state the time
 327 when, and place or website where, the images or video and
 328 evidence of speed may be examined and observed.

329 (8) The registered owner of the motor vehicle involved in
 330 the violation is responsible and liable for paying the uniform
 331 traffic citation issued for a violation of s. 316.183 or s.
 332 316.1895 unless the owner can establish that:

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

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

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

343 (9) To establish such facts under subsection (7), the
 344 registered owner of the motor vehicle must, within 30 days after
 345 the date of issuance of the traffic citation, furnish to the
 346 appropriate governmental entity an affidavit setting forth
 347 detailed information supporting an exception under subsection
 348 (7).

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

357 (b) If a uniform traffic citation for a violation of s.
 358 316.183 or 316.1895 was issued at the location of the violation
 359 by a law enforcement officer, the affidavit must include the
 360 serial number of the uniform traffic citation.

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

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

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

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

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378
 379 Upon receipt of the affidavit and documentation required under
 380 this paragraph, the governmental entity must dismiss the
 381 citation and provide proof of such dismissal to the person who
 382 submitted the affidavit.

383 (10) Upon receipt of an affidavit, the person designated as
 384 having care, custody, or control of the motor vehicle at the
 385 time of the violation may be issued a notification of violation
 386 pursuant to subsection (2) for a violation of s. 316.183 or s.
 387 316.1895. The affidavit is admissible in a proceeding pursuant
 388 to this section for the purpose of providing proof that the
 389 person identified in the affidavit was in actual care, custody,
 390 or control of the motor vehicle. The owner of a leased vehicle
 391 for which a traffic citation is issued for a violation of s.
 392 316.183 or 316.1895 is not responsible for paying the traffic
 393 citation and is not required to submit an affidavit as specified
 394 in this subsection if the motor vehicle involved in the
 395 violation is registered in the name of the lessee of such motor
 396 vehicle.

397 (11) If a county or municipality receives an affidavit
 398 under subsection (8), the notification of violation required
 399 under subsection (2) must be sent to the person identified in
 400 the affidavit within 30 days after receipt of the affidavit.

401 (12) The submission of a false affidavit is a misdemeanor
 402 of the second degree, punishable as provided in s. 775.082 or s.
 403 775.083.

404 (13) The photographic or electronic images or the streaming
 405 video evidence and the evidence of the speed of the vehicle as
 406 measured by a speed detection system which are attached to or

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407 referenced in the traffic citation are evidence of a violation
 408 of s. 316.183 or s. 316.1895 and are admissible in any
 409 proceeding to enforce this section. The images or video and
 410 evidence of speed raise a rebuttable presumption that the motor
 411 vehicle named in the report or shown in the images or video was
 412 used in violation of s. 316.183 or 316.1895.

413 (14) This section supplements the enforcement of ss.
 414 316.183 and 316.1895 by law enforcement officers and does not
 415 prohibit a law enforcement officer from issuing a traffic
 416 citation for a violation of s. 316.183 or 316.1895.

417 (15) A hearing under this section must be conducted under
 418 the procedures established by s. 316.0083(5) and as follows:

419 (a) The department shall publish and make available
 420 electronically to each county and municipality a model request
 421 for hearing form to assist each local government administering
 422 this section.

423 (b) The county or municipality electing to authorize
 424 traffic infraction enforcement officers to issue traffic
 425 citations under subsection (6) shall designate by resolution
 426 existing staff to serve as the clerk to the local hearing
 427 officer.

428 (c) Any person, referred to as the "petitioner" in this
 429 subsection, who elects to request a hearing under subsection (3)
 430 shall be scheduled for a hearing by the clerk to the local
 431 hearing officer. The clerk must furnish the petitioner with
 432 notice to be sent by first-class mail. Upon receipt of the
 433 notice, the petitioner may reschedule the hearing once by
 434 submitting a written request to reschedule to the clerk to the
 435 local hearing officer at least 5 calendar days before the day of

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436 the originally scheduled hearing. The petitioner may cancel his
 437 or her appearance before the local hearing officer by paying the
 438 penalty assessed under subsection (2), plus the administrative
 439 costs established in s. 316.0083(5)(c), before the start of the
 440 hearing.

441 (d) All testimony at the hearing must be under oath and
 442 must be recorded. The local hearing officer shall take testimony
 443 from a traffic infraction enforcement officer and the petitioner
 444 and may take testimony from others. The local hearing officer
 445 shall review the photographic or electronic images or streaming
 446 video and the evidence of the speed of the vehicle as measured
 447 by a speed detection system made available under paragraph
 448 (2)(b). Formal rules of evidence do not apply, but due process
 449 must be observed and must govern the proceedings.

450 (e) At the conclusion of the hearing, the local hearing
 451 officer shall determine whether a violation under this section
 452 occurred and shall uphold or dismiss the violation. The local
 453 hearing officer shall issue a final administrative order
 454 including the determination and, if the notification of
 455 violation is upheld, require the petitioner to pay the penalty
 456 previously assessed under subsection (2), and may also require
 457 the petitioner to pay county or municipal costs not to exceed
 458 the amount established in s. 316.0083(5)(e). The final
 459 administrative order must be mailed to the petitioner by first-
 460 class mail.

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

463 Section 6. Paragraph (d) of subsection (1) of section
 464 316.1906, Florida Statutes, is amended, and subsection (3) is

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465 added to that section, to read:

466 316.1906 Radar speed-measuring devices; evidence,
467 admissibility.—

468 (1) DEFINITIONS.—

469 (d) "Officer" means any:

470 1. "Law enforcement officer" who is elected, appointed, or
471 employed full time by any municipality or the state or any
472 political subdivision thereof; who is vested with the authority
473 to bear arms and make arrests; and whose primary responsibility
474 is the prevention and detection of crime or the enforcement of
475 the penal, criminal, traffic, or highway laws of the state;

476 2. "Part-time law enforcement officer" who is employed or
477 appointed less than full time, as defined by an employing
478 agency, with or without compensation; who is vested with
479 authority to bear arms and make arrests; and whose primary
480 responsibility is the prevention and detection of crime or the
481 enforcement of the penal, criminal, traffic, or highway laws of
482 the state; ~~or~~

483 3. "Auxiliary law enforcement officer" who is employed or
484 appointed, with or without compensation; who aids or assists a
485 full-time or part-time law enforcement officer; and who, while
486 under the direct supervision of a full-time or part-time law
487 enforcement officer, has the authority to arrest and perform law
488 enforcement functions; or

489 4. "Traffic infraction enforcement officer" who is employed
490 or appointed, with or without compensation, and who satisfies
491 the requirements of s. 316.640(5) and is vested with authority
492 to enforce a violation of s. 316.183 or s. 316.1895 pursuant to
493 s. 316.1896.

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494 (3) A speed detection system is exempt from the design
495 requirements for radar units established by the department. A
496 speed detection system must have the ability to perform self-
497 tests as to its detection accuracy. The system must perform a
498 self-test at least once every 30 days. The law enforcement
499 agency, or an agent acting on behalf of the law enforcement
500 agency, operating a speed detection system shall maintain a log
501 of the results of the system's self-tests. The law enforcement
502 agency, or an agent acting on behalf of the law enforcement
503 agency, operating a speed detection system shall also perform an
504 independent calibration test on the speed detection system at
505 least once every 12 months. The self-test logs, as well as the
506 results of the annual calibration test, are admissible in any
507 court proceeding for a traffic citation issued for a violation
508 of s. 316.183 or s. 316.1895 enforced pursuant to s. 316.1896.
509 Notwithstanding subsection (2), evidence of a vehicle's speed
510 measured by a speed detection system compliant with this
511 subsection and the determination by a traffic infraction
512 enforcement officer that a vehicle is operating in excess of the
513 applicable speed limit is admissible in any proceeding with
514 respect to an alleged violation of law regulating the speed of
515 vehicles.

516 Section 7. Present paragraphs (d) through (h) of subsection
517 (3) of section 318.18, Florida Statutes, are redesignated as
518 paragraphs (e) through (i), respectively, and a new paragraph
519 (d) is added to that subsection, to read:

520 318.18 Amount of penalties.—The penalties required for a
521 noncriminal disposition pursuant to s. 318.14 or a criminal
522 offense listed in s. 318.17 are as follows:

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523 (3)
 524 (d) Notwithstanding paragraphs (b) and (c), a person cited
 525 for exceeding the speed limit in force at the time of the
 526 violation on a road a maintained as a school zone as provided in
 527 s. 316.1895, when enforced by a traffic infraction enforcement
 528 officer pursuant to s. 316.1896, shall pay a fine of \$100.

529 Section 8. Paragraph (d) of subsection (3) of section
 530 322.27, Florida Statutes, is amended to read:
 531 322.27 Authority of department to suspend or revoke driver
 532 license or identification card.—

533 (3) There is established a point system for evaluation of
 534 convictions of violations of motor vehicle laws or ordinances,
 535 and violations of applicable provisions of s. 403.413(6)(b) when
 536 such violations involve the use of motor vehicles, for the
 537 determination of the continuing qualification of any person to
 538 operate a motor vehicle. The department is authorized to suspend
 539 the license of any person upon showing of its records or other
 540 good and sufficient evidence that the licensee has been
 541 convicted of violation of motor vehicle laws or ordinances, or
 542 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 543 more points as determined by the point system. The suspension
 544 shall be for a period of not more than 1 year.

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

- 548 1. Reckless driving, willful and wanton—4 points.
- 549 2. Leaving the scene of a crash resulting in property
 550 damage of more than \$50—6 points.
- 551 3. Unlawful speed, or unlawful use of a wireless

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552 communications device, resulting in a crash—6 points.

553 4. Passing a stopped school bus:

554 a. Not causing or resulting in serious bodily injury to or
 555 death of another—4 points.

556 b. Causing or resulting in serious bodily injury to or
 557 death of another—6 points.

558 5. Unlawful speed:

559 a. Not in excess of 15 miles per hour of lawful or posted
 560 speed—3 points.

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

563 6. A violation of a traffic control signal device as
 564 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

565 However, ~~no~~ points may not shall be imposed for a violation of
 566 s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 567 stop at a traffic signal and when enforced by a traffic
 568 infraction enforcement officer. In addition, a violation of s.
 569 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 570 stop at a traffic signal and when enforced by a traffic
 571 infraction enforcement officer may not be used for purposes of
 572 setting motor vehicle insurance rates.

573 7. All other moving violations (including parking on a
 574 highway outside the limits of a municipality)—3 points. However,
 575 ~~no~~ points may not shall be imposed for a violation of s.
 576 316.0741 or s. 316.2065(11); and points may shall be imposed for
 577 a violation of s. 316.1001 only when imposed by the court after
 578 a hearing pursuant to s. 318.14(5).

579 8. Any moving violation covered in this paragraph,
 580 excluding unlawful speed and unlawful use of a wireless

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581 communications device, resulting in a crash-4 points.

582 9. Any conviction under s. 403.413(6)(b)-3 points.

583 10. Any conviction under s. 316.0775(2)-4 points.

584 11. A moving violation covered in this paragraph which is
585 committed in conjunction with the unlawful use of a wireless
586 communications device within a school safety zone-2 points, in
587 addition to the points assigned for the moving violation.

588 (e) Points may not be imposed for a violation of unlawful
589 speed as provided in s. 316.183 or s. 316.1895 when enforced by
590 a traffic infraction enforcement officer pursuant to s.
591 316.1896. In addition, a violation of s. 316.183 or s. 316.1895
592 when enforced by a traffic infraction enforcement officer
593 pursuant to s. 316.1896 may not be used for purposes of setting
594 motor vehicle insurance rates.

595 Section 9. Paragraph (a) of subsection (3) of section
596 316.306, Florida Statutes, is amended to read:

597 316.306 School and work zones; prohibition on the use of a
598 wireless communications device in a handheld manner.-

599 (3)(a)1. A person may not operate a motor vehicle while
600 using a wireless communications device in a handheld manner in a
601 designated school crossing, school zone, or work zone area as
602 defined in s. 316.003(110) or s. 316.003(109). This subparagraph is
603 ~~shall~~ only be applicable to work zone areas if construction
604 personnel are present or are operating equipment on the road or
605 immediately adjacent to the work zone area. For the purposes of
606 this paragraph, a motor vehicle that is stationary is not being
607 operated and is not subject to the prohibition in this
608 paragraph.

609 2. Effective January 1, 2020, a law enforcement officer may

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610 stop motor vehicles and issue citations to persons who are
611 driving while using a wireless communications device in a
612 handheld manner in violation of subparagraph 1.

613 Section 10. Paragraph (a) of subsection (5) of section
614 316.640, Florida Statutes, is amended to read:

615 316.640 Enforcement.-The enforcement of the traffic laws of
616 this state is vested as follows:

617 (5)(a) Any sheriff's department or police department of a
618 municipality may employ, as a traffic infraction enforcement
619 officer, any individual who successfully completes instruction
620 in traffic enforcement procedures and court presentation through
621 the Selective Traffic Enforcement Program as approved by the
622 Division of Criminal Justice Standards and Training of the
623 Department of Law Enforcement, or through a similar program, but
624 who does not necessarily otherwise meet the uniform minimum
625 standards established by the Criminal Justice Standards and
626 Training Commission for law enforcement officers or auxiliary
627 law enforcement officers under s. 943.13. Any such traffic
628 infraction enforcement officer who observes the commission of a
629 traffic infraction or, in the case of a parking infraction, who
630 observes an illegally parked vehicle may issue a traffic
631 citation for the infraction when, based upon personal
632 investigation, he or she has reasonable and probable grounds to
633 believe that an offense has been committed which constitutes a
634 noncriminal traffic infraction as defined in s. 318.14. In
635 addition, any such traffic infraction enforcement officer may
636 issue a traffic citation under s. 316.0083 or s. 316.1896. For
637 purposes of enforcing ss. 316.0083, 316.183, and 316.1895 or
638 ~~316.0083~~, any sheriff's department or police department of a

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639 municipality may designate employees as traffic infraction
640 enforcement officers. The traffic infraction enforcement
641 officers must be physically located in the county of the
642 respective sheriff's or police department.

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

645 316.650 Traffic citations.—

646 (3) (a) Except for a traffic citation issued pursuant to s.
647 316.0083, s. 316.1001, or s. 316.1896 ~~or s. 316.0083~~, each
648 traffic enforcement officer, upon issuing a traffic citation to
649 an alleged violator of any provision of the motor vehicle laws
650 of this state or of any traffic ordinance of any municipality or
651 town, shall deposit the original traffic citation or, in the
652 case of a traffic enforcement agency that has an automated
653 citation issuance system, the chief administrative officer shall
654 provide by an electronic transmission a replica of the citation
655 data to a court having jurisdiction over the alleged offense or
656 with its traffic violations bureau within 5 days after issuance
657 to the violator.

658 (c) If a traffic citation is issued under s. 316.0083 or s.
659 316.1896, the traffic infraction enforcement officer must shall
660 provide by electronic transmission a replica of the traffic
661 citation data to the court having jurisdiction over the alleged
662 offense or its traffic violations bureau within 5 days after the
663 date of issuance of the traffic citation to the violator. If a
664 hearing is requested, the traffic infraction enforcement officer
665 must shall provide a replica of the traffic notice of violation
666 data to the clerk for the local hearing officer having
667 jurisdiction over the alleged offense within 14 days.

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

670 318.14 Noncriminal traffic infractions; exception;
671 procedures.—

672 (2) Except as provided in ss. 316.0083, 316.1001(2), and
673 316.1896 ~~and 316.0083~~, any person cited for a violation
674 requiring a mandatory hearing listed in s. 318.19 or any other
675 criminal traffic violation listed in chapter 316 must sign and
676 accept a citation indicating a promise to appear. The officer
677 may indicate on the traffic citation the time and location of
678 the scheduled hearing and must indicate the applicable civil
679 penalty established in s. 318.18. For all other infractions
680 under this section, except for infractions under s. 316.1001,
681 the officer must certify by electronic, electronic facsimile, or
682 written signature that the citation was delivered to the person
683 cited. This certification is prima facie evidence that the
684 person cited was served with the citation.

685 Section 13. Subsections (4), (5), and (15) of section
686 318.21, Florida Statutes, are amended to read:

687 318.21 Disposition of civil penalties by county courts.—All
688 civil penalties received by a county court pursuant to the
689 provisions of this chapter shall be distributed and paid monthly
690 as follows:

691 (4) Of the additional fine assessed under s. 318.18(3)(g)
692 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
693 be remitted to the Department of Revenue for deposit in the
694 Grants and Donations Trust Fund of the Division of Blind
695 Services of the Department of Education, and 60 percent must be
696 distributed pursuant to subsections (1) and (2).

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697 (5) Of the additional fine assessed under s. 318.18(3)(g)
 698 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
 699 must be remitted to the Department of Revenue for deposit in the
 700 Grants and Donations Trust Fund of the Division of Vocational
 701 Rehabilitation of the Department of Education, and 40 percent
 702 must be distributed pursuant to subsections (1) and (2).

703 (15) Of the additional fine assessed under s. 318.18(3)(f)
 704 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
 705 the moneys received from the fines shall be appropriated to the
 706 Agency for Health Care Administration as general revenue to
 707 provide an enhanced Medicaid payment to nursing homes that serve
 708 Medicaid recipients with brain and spinal cord injuries. The
 709 remaining 50 percent of the moneys received from the enhanced
 710 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
 711 remitted to the Department of Revenue and deposited into the
 712 Department of Health Emergency Medical Services Trust Fund to
 713 provide financial support to certified trauma centers in the
 714 counties where enhanced penalty zones are established to ensure
 715 the availability and accessibility of trauma services. Funds
 716 deposited into the Emergency Medical Services Trust Fund under
 717 this subsection shall be allocated as follows:

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

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

725 Section 14. Subsection (1) of section 655.960, Florida

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726 Statutes, is amended to read:

727 655.960 Definitions; ss. 655.960-655.965.—As used in this
 728 section and ss. 655.961-655.965, unless the context otherwise
 729 requires:

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

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

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The Florida Senate

APPEARANCE RECORD

SB 588

3/14/23

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Transportation

Committee

Amendment Barcode (if applicable)

Eric Draper

Florida Bicycle Association

850 251 1301

Name

3627 Dexter Dr

wenddraper@gmail.com

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Tallahassee, FL 32312

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

March 14 2023

Meeting Date

Transportation

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 588

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jennifer Cook Pritt

Phone 850-219-3631

Address 2636 Mitcham Drive

Email jpritt@fpca.com

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FL Police Chiefs Associati

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 796

INTRODUCER: Senator Wright

SUBJECT: Seaports

DATE: March 13, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 796 increases from \$25 million to \$50 million the annual minimum amount that must be made available from the State Transportation Trust Fund to fund the Florida Seaport Transportation and Economic Development Program. The Florida Department of Transportation is required to include in its annual legislative budget request \$50 million for the program.

The bill increases from \$35 million to \$70 million the annual minimum amount that must be made available from the State Transportation Trust Fund to fund the Strategic Port Investment Initiative.

Lastly, the bill removes obsolete language authorizing a Citrus County grant application that expired on July 1, 2014, and language authorizing a Putnam County grant application that is no longer needed; makes editorial revisions to improve readability; and reenacts a specified statute to incorporate changes made by the bill.

The bill takes effect July 1, 2023.

II. Present Situation:

The Florida Seaport Transportation and Economic Development Program

Section 311.07, F.S., creates the Florida Seaport Transportation and Economic Development (FSTED) Program within the Florida Department of Transportation (FDOT) to finance port transportation or port facilities projects that will improve the movement and intermodal transportation of cargo or passengers in commerce and trade and support the interests, purposes, and requirements of each of the ports of Jacksonville, Port Canaveral, Port Citrus, Fort Pierce,

Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.¹

The FSTED Council² staff, the FDOT, and the Florida Department of Economic Opportunity (FDEO) work in cooperation to review projects and allocate funds such that approved projects may be included in the annual development of the FDOT's tentative work program.³ Generally, FSTED Program funds must be used to fund approved projects on a 50-50 matching basis with the specified ports. However, projects that involve rehabilitation of wharves, docks, berths, bulkheads, or similar structures require only a 25 percent match.⁴

Projects eligible for FSTED grant funding are limited to the following port facilities or port transportation projects:

- Transportation facilities within the jurisdiction of the port.
- Dredging or deepening of channels, turning basins, or harbors.
- Construction or rehabilitation of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, automated people mover systems, or any facilities necessary or useful in connection with any of the foregoing.
- Acquisition of vessel tracking systems, container cranes, or other mechanized equipment used in the movement of cargo or passengers in international commerce.
- Acquisition of land to be used for port purposes.
- Acquisition, improvement, enlargement, or extension of existing port facilities.
- Environmental protection projects which are necessary because of requirements imposed by a state agency as a condition of a permit or other form of state approval; which are necessary for environmental mitigation required as a condition of a state, federal, or local environmental permit; which are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or which result from the funding of eligible projects listed in this paragraph.
- Transportation facilities⁵ which are not otherwise part of the FDOT's adopted work program.
- Intermodal access projects.
- Construction or rehabilitation of port facilities,⁶ excluding any park or recreational facilities, with operating revenues of \$5 million or less, provided that such projects create economic

¹ Section 311.09(1), F.S.

² The FSTED Council consists of the port directors (or their designees), the FDOT secretary or designee, and the Florida Department of Economic Opportunity secretary or designee. Section 311.09(1), F.S.

³ Section 311.07(2), F.S. Essentially, as the first year of the annually-adopted five-year work program is completed, the second year becomes the first year of the next adopted five-year work program, and a new fifth year is added based on projects in the tentative work program, which is the 5-year listing of all transportation projects planned for each fiscal year, developed by the FDOT central office based on the district work programs. Section 339.135, F.S.

⁴ Section 311.09(3), F.S.

⁵ Meaning any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place. Section 334.03(30), F.S.

⁶ Defined to mean harbor, shipping, and port facilities, and improvements of every kind, nature, and description, including, but without limitation, channels, turning basins, jetties, breakwaters, public landings, wharves, docks, markets, parks, recreational facilities, structures, buildings, piers, storage facilities, including facilities that may be used for warehouse, storage, and distribution of cargo transported or to be transported through an airport or port facility, specified security measures, public buildings and plazas, anchorages, utilities, bridges, tunnels, roads, causeways, and any and all property and

development opportunities, capital improvements, and positive financial returns to such ports.

- Seaport master plan or strategic plan development or updates, including the purchase of data to support such plans.

A minimum of \$25 million annually⁷ must be made available from the State Transportation Trust Fund (STTF) within the FDOT to fund the FSTED Program,⁸ and the FDOT is required to include at least \$25 million in its annual legislative budget request for the program.⁹

The Strategic Port Investment Initiative

The Strategic Port Investment Initiative within the FDOT is funded, beginning in 2012-2013, with a minimum of \$35 million annually from the STTF. The FDOT is directed to work with the identified ports to develop and maintain a priority list of strategic investment projects. Project selection must be based on projects that meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities by:

- Providing important access and major on-port capacity improvements;
- Providing capital improvements to strategically position the state to maximize opportunities in international trade, logistics, or the cruise industry;
- Achieving state goals of an integrated intermodal transportation system; and
- Demonstrating the feasibility and availability of matching funds through local or private partners.

Before making final project allocations, the FDOT must schedule a publicly noticed workshop with the FDEO and the identified ports to review the proposed projects and, after considering received comments, finalize a prioritized list of potential projects. To the maximum extent feasible, the FDOT must include the seaport projects proposed to be funded in the tentative work program.¹⁰

III. Effect of Proposed Changes:

The bill amends section 311.07(2), F.S., beginning in fiscal year 2025-2026, to increase from \$25 million to \$50 million the annual minimum amount that must be made available from the STTF to fund the FSTED Program. The bill amends section 311.09(9), F.S., to increase from \$25 million to \$50 million the annual minimum amount the FDOT is required to include in its annual legislative budget request for the FSTED Program.

facilities necessary or useful in connection with the foregoing, and any one or more or any combination thereof and any extension, addition, betterment, or improvement of any thereof. Section 315.02(6), F.S.

⁷ The Legislature last increased this amount from \$15 million to \$25 million in 2016. *See* 2016-181, L.O.F., s. 2, available at [template 1.13 \(flrules.org\)](http://template 1.13 (flrules.org)) (last visited March 6, 2023).

⁸ Section 311.07(2), F.S. These funds are in addition to the annual appropriation of \$15M in license tag fees to the FSTED Program required under s. 320.20, F.S., and in addition to any amounts not used for the payment of bonds from the annual \$10 million to be used for any seaport project identified in the FDOT's adopted work program, known as the Seaport Investment Program, per section 339.0801(1)(f), F.S. The latter funding began in 2013-2014 and is currently required for 30 years thereafter.

⁹ Section 311.09(9), F.S.

¹⁰ Section 311.10, F.S.

The bill also removes obsolete language authorizing a Citrus County grant application that expired on July 1, 2014, and a Putnam County grant application that does not expire until July 1, 2024. According to Putnam County staff, the authorization is no longer needed.¹¹ Port Citrus and Putnam County continue as ports listed in s. 311.09, F.S. The bill also makes editorial revisions to improve readability.

The bill amends s. 311.10, F.S., beginning in fiscal year 2025-2026, to increase from \$35 million to \$70 million the annual minimum amount that must be made available from the STTF to fund the Strategic Port Investment Initiative, and to make editorial revisions to improve readability.

Lastly, the bill reenacts ss. 320.20(3) and 339.0801(1)(f), F.S., to incorporate the amendments made by the bill to s. 311.07, F.S.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹¹ Telephone conversation with Putnam County staff, February 24, 2023.

B. Private Sector Impact:

To the extent that the increased funding results in improvement of the movement and intermodal transportation of cargo or passengers in commerce and trade, the private sector may experience an indeterminate positive fiscal impact.

C. Government Sector Impact:

The bill amends section 311.07(2), F.S., beginning in fiscal year 2025-2026, to increase from \$25 million to \$50 million the annual minimum amount that must be made available from the STTF to fund the FSTED Program. The bill amends s. 311.10, F.S., beginning in fiscal year 2025-2026, to increase from \$35 million to \$70 million the annual minimum amount that must be made available from the STTF to fund the Strategic Port Investment Initiative.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 311.07, 311.09, and 311.10.

This bill reenacts portions of the following sections of the Florida Statutes: 320.20 and 339.0801.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Wright

8-01297-23

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1 A bill to be entitled
 2 An act relating to seaports; amending s. 311.07, F.S.;
 3 increasing the minimum amount of funds to be made
 4 available for the Florida Seaport Transportation and
 5 Economic Development Program from the State
 6 Transportation Trust Fund beginning in a specified
 7 fiscal year; amending s. 311.09, F.S.; increasing the
 8 amount the Department of Transportation is required to
 9 include in its annual legislative budget request for
 10 the program; removing obsolete language; amending s.
 11 311.10, F.S.; increasing the amount of funds to be
 12 made available from the State Transportation Trust
 13 Fund to fund the Strategic Port Investment Initiative
 14 beginning in a specified fiscal year; reenacting ss.
 15 320.20(3) and 339.0801(1)(f), F.S., relating to the
 16 disposition of license tax moneys and the allocation
 17 of increased revenues from certain provisions,
 18 respectively, to incorporate the amendment made to s.
 19 311.07, F.S., in references thereto; providing an
 20 effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Subsection (2) of section 311.07, Florida
 25 Statutes, is amended to read:

26 311.07 Florida seaport transportation and economic
 27 development funding.—

28 (2) Beginning in fiscal year 2025-2026, a minimum of \$50
 29 ~~\$25~~ million per year shall be made available from the State

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30 Transportation Trust Fund to fund the Florida Seaport
 31 Transportation and Economic Development Program. The Florida
 32 Seaport Transportation and Economic Development Council created
 33 in s. 311.09 shall develop guidelines for project funding.
 34 Council staff, the Department of Transportation, and the
 35 Department of Economic Opportunity shall work in cooperation to
 36 review projects and allocate funds in accordance with the
 37 schedule required for the Department of Transportation to
 38 include these projects in the tentative work program developed
 39 pursuant to s. 339.135(4).

40 Section 2. Subsections (9), (12), and (13) of section
 41 311.09, Florida Statutes, are amended to read:

42 311.09 Florida Seaport Transportation and Economic
 43 Development Council.—

44 (9) The Department of Transportation shall include at least
 45 \$50 ~~\$25~~ million per year in its annual legislative budget
 46 request for the Florida Seaport Transportation and Economic
 47 Development Program funded under s. 311.07. Such budget must
 48 include funding for projects approved by the council which have
 49 been determined by each agency to be consistent. The department
 50 shall include the specific approved Florida Seaport
 51 Transportation and Economic Development Program projects to be
 52 funded under s. 311.07 during the ensuing fiscal year in the
 53 tentative work program developed pursuant to s. 339.135(4). The
 54 total amount of funding to be allocated to Florida Seaport
 55 Transportation and Economic Development Program projects under
 56 s. 311.07 during the successive 4 fiscal years must ~~shall~~ also
 57 be included in the tentative work program developed pursuant to
 58 s. 339.135(4). The council may submit to the department a list

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59 of approved projects that could be made production-ready within
 60 the next 2 years. The department shall submit the list ~~shall be~~
 61 ~~submitted by the department~~ as part of the needs and project
 62 list prepared pursuant to s. 339.135(2)(b). However, the
 63 department shall, upon written request of the Florida Seaport
 64 Transportation and Economic Development Council, submit work
 65 program amendments pursuant to s. 339.135(7) to the Governor
 66 within 10 days after the later of the date the request is
 67 received by the department or the effective date of the
 68 amendment, termination, or closure of the applicable funding
 69 agreement between the department and the affected seaport, as
 70 required to release the funds from the existing commitment.
 71 Notwithstanding s. 339.135(7)(c), any work program amendment to
 72 transfer prior year funds from one approved seaport project to
 73 another seaport project is subject to the procedures in s.
 74 339.135(7)(d). Notwithstanding any provision of law to the
 75 contrary, the department may transfer unexpended budget between
 76 the seaport projects as identified in the approved work program
 77 amendments.

78 ~~(12) Until July 1, 2014, Citrus County may apply for a~~
 79 ~~grant through the Florida Seaport Transportation and Economic~~
 80 ~~Development Council to perform a feasibility study regarding the~~
 81 ~~establishment of a port in Citrus County. The council shall~~
 82 ~~evaluate such application pursuant to subsections (5)-(8) and,~~
 83 ~~if approved, the Department of Transportation shall include the~~
 84 ~~feasibility study in its budget request pursuant to subsection~~
 85 ~~(9). If the study determines that a port in Citrus County is not~~
 86 ~~feasible, the membership of Port Citrus on the council shall~~
 87 ~~terminate.~~

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88 ~~(13) Until July 1, 2024, Putnam County may apply for a~~
 89 ~~grant through the Florida Seaport Transportation and Economic~~
 90 ~~Development Council to perform a study examining the economic,~~
 91 ~~technical, and operational viability of the establishment of a~~
 92 ~~port in Putnam County. The council shall evaluate the grant~~
 93 ~~application pursuant to subsections (5)-(8), and, if approved,~~
 94 ~~the Department of Transportation must include the feasibility~~
 95 ~~study in its budget request pursuant to subsection (9). The~~
 96 ~~council shall review the study upon completion to determine if a~~
 97 ~~port in Putnam County is viable. If the council does not approve~~
 98 ~~the study, the membership of Putnam County on the council must~~
 99 ~~terminate.~~

100 Section 3. Subsection (1) of section 311.10, Florida
 101 Statutes, is amended to read:

102 311.10 Strategic Port Investment Initiative.—

103 (1) There is created the Strategic Port Investment
 104 Initiative within the Department of Transportation. Beginning in
 105 fiscal year 2025-2026 ~~2012-2013~~, a minimum of \$70 ~~\$35~~ million
 106 annually shall be made available from the State Transportation
 107 Trust Fund to fund the Strategic Port Investment Initiative. The
 108 Department of Transportation shall work with the deepwater ports
 109 listed in s. 311.09 to develop and maintain a priority list of
 110 strategic investment projects. Project selection must ~~shall~~ be
 111 based on projects that meet the state's economic development
 112 goal of becoming a hub for trade, logistics, and export-oriented
 113 activities by doing all of the following:

114 (a) Providing important access and major on-port capacity
 115 improvements. ~~+~~

116 (b) Providing capital improvements to strategically

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117 position the state to maximize opportunities in international
118 trade, logistics, or the cruise industry.~~†~~

119 (c) Achieving state goals of an integrated intermodal
120 transportation system.~~†~~ ~~and~~

121 (d) Demonstrating the feasibility and availability of
122 matching funds through local or private partners.

123 Section 4. For the purpose of incorporating the amendment
124 made by this act to section 311.07, Florida Statutes, in
125 references thereto, subsection (3) of section 320.20, Florida
126 Statutes, is reenacted to read:

127 320.20 Disposition of license tax moneys.—The revenue
128 derived from the registration of motor vehicles, including any
129 delinquent fees and excluding those revenues collected and
130 distributed under the provisions of s. 320.081, must be
131 distributed monthly, as collected, as follows:

132 (3) Notwithstanding any other provision of law except
133 subsections (1) and (2), \$15 million shall be deposited annually
134 into the State Transportation Trust Fund solely for the purposes
135 of funding the Florida Seaport Transportation and Economic
136 Development Program as provided in chapter 311. Such revenues
137 shall be distributed on a 50-50 matching basis to any port
138 listed in s. 311.09(1) to be used for funding projects as
139 described in s. 311.07(3)(b). Such revenues may be assigned,
140 pledged, or set aside as a trust for the payment of principal or
141 interest on bonds, tax anticipation certificates, or any other
142 form of indebtedness issued by an individual port or appropriate
143 local government having jurisdiction thereof, or collectively by
144 interlocal agreement among any of the ports, or used to purchase
145 credit support to permit such borrowings. However, such debt is

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146 not a general obligation of the state. The state covenants with
147 holders of such revenue bonds or other instruments of
148 indebtedness issued that it will not repeal or impair or amend
149 in any manner that will materially and adversely affect the
150 rights of such holders so long as bonds authorized by this
151 section are outstanding. Any revenues that are not pledged to
152 the repayment of bonds authorized by this section may be used
153 for purposes authorized under the Florida Seaport Transportation
154 and Economic Development Program. This revenue source is in
155 addition to any amounts provided and appropriated in accordance
156 with s. 311.07. The Florida Seaport Transportation and Economic
157 Development Council shall approve the distribution of funds to
158 ports for projects that have been approved pursuant to s.
159 311.09(5)-(8). The council and the Department of Transportation
160 may perform acts required to facilitate and implement this
161 subsection. To better enable the ports to cooperate to their
162 mutual advantage, the governing body of each port may exercise
163 powers provided to municipalities or counties in s. 163.01(7)(d)
164 subject to chapter 311 and special acts, if any, pertaining to a
165 port. The use of funds provided pursuant to this subsection are
166 limited to eligible projects listed in this subsection. Income
167 derived from a project completed with the use of program funds,
168 beyond operating costs and debt service, is restricted solely to
169 further port capital improvements consistent with maritime
170 purposes. Use of such income for nonmaritime purposes is
171 prohibited. The revenues available under this subsection may not
172 be pledged to the payment of any bonds other than the Florida
173 Ports Financing Commission Series 1996 and Series 1999 Bonds
174 currently outstanding; however, such revenues may be pledged to

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175 secure payment of refunding bonds to refinance the Florida Ports
 176 Financing Commission Series 1996 and Series 1999 Bonds.
 177 Refunding bonds secured by revenues available under this
 178 subsection may not be issued with a final maturity later than
 179 the final maturity of the Florida Ports Financing Commission
 180 Series 1996 and Series 1999 Bonds or which provide for higher
 181 debt service in any year than is currently payable on such
 182 bonds. Any revenue bonds or other indebtedness issued after July
 183 1, 2000, other than refunding bonds shall be issued by the
 184 Division of Bond Finance at the request of the Department of
 185 Transportation pursuant to the State Bond Act.

186 Section 5. For the purpose of incorporating the amendment
 187 made by this act to section 311.07, Florida Statutes, in a
 188 reference thereto, paragraph (f) of subsection (1) of section
 189 339.0801, Florida Statutes, is reenacted to read:

190 339.0801 Allocation of increased revenues derived from
 191 amendments to s. 319.32(5)(a) by ch. 2012-128.—Funds that result
 192 from increased revenues to the State Transportation Trust Fund
 193 derived from the amendments to s. 319.32(5)(a) made by this act
 194 must be used annually, first as set forth in subsection (1) and
 195 then as set forth in subsections (2)-(5), notwithstanding any
 196 other provision of law:

197 (1)

198 (f) Any revenues that are not used for the payment of bonds
 199 as authorized by this subsection may be used for purposes
 200 authorized under the Florida Seaport Transportation and Economic
 201 Development Program. This revenue source is in addition to any
 202 amounts provided for and appropriated in accordance with ss.
 203 311.07 and 320.20(3) and (4).

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204 Section 6. This act shall take effect July 1, 2023.

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: CS/SB 908

INTRODUCER: Transportation Committee and Senator Rodriguez

SUBJECT: Unmanned Aircraft Systems Act

DATE: March 15, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.			MS	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 908 revises the definition of “critical infrastructure facility” for purposes of the operation of unmanned aircraft systems, or “drones,” over or near certain facilities and structures to include additional items.

The bill removes from state statute:

- A virtually identical requirement under federal law that a person or governmental entity apply to the Federal Aviation Administration to restrict or limit the operation of drones in close proximity to infrastructure and facilities that the person or governmental entity owns or operates, and
- A provision making the definition of “critical infrastructure facility” inapplicable to a drone operating in transit for commercial purposes in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.

The bill appears to present no fiscal impact to state or local expenditures. The fiscal impact on state and local revenues is indeterminate.

The bill takes effect July 1, 2023.

II. Present Situation:

Federal Law

Drones, or unmanned aerial vehicles (UAVs) and unmanned aerial systems (UASs), are considered to be aircraft subject to regulation by the Federal Aviation Administration (FAA).¹ In February 2012, Congress passed the FAA Modernization and Reform Act of 2012 (Modernization Act), which required the FAA to safely open the nation's airspace to drones by September 2015.² The Modernization Act vested authority to regulate the use of drones to the FAA, as it does all aircraft in the national airspace, with an emphasis on safety, efficiency, and national security.³

Under the authority granted in the 2012 Act, the FAA issued its regulations on the operation and certification of small (less than 55 pounds at take-off) unmanned aircraft systems in June of 2016. The small drone regulations are still in effect.⁴ Federal law also provides an exception for limited recreational operations of unmanned aircraft under specified conditions and, if the conditions are met, a person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration.⁵

Subsequent to the 2016 FAA regulations, Congress approved a 17-month extension of the authority of the FAA, known as the "Extension, Safety, and Security Act of 2016 (Extension Act)."⁶ In addition to providing the FAA continued authority and funding to operate, the Extension Act required the FAA, by the end of 2016, to establish a process for operators or proprietors of fixed-site facilities to petition the FAA to prohibit or restrict the operation of an unmanned aircraft in close proximity to a fixed-site facility. The law provided that a "fixed-site facility" means only:

- Critical infrastructure, such as energy production, transmission, and distribution facilities and equipment;
- Oil refineries and chemical facilities;
- Amusement parks; and

¹ FAA, Office of the Chief Counsel, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, p. 1, available at [Microsoft Word - UAS Fact Sheet Word Final 12172015.docx \(faa.gov\)](#) (last visited March 2, 2023). Drones can range in size from wingspans of just inches to numerous feet and can vary in weight from ounces to thousands of pounds. They may be controlled manually or through an autopilot that uses a data link to connect the drone's pilot to the drone. See 72 FR 6689, Federal Aviation Administration (FAA), *Unmanned Aircraft Operations in the National Airspace System*, February 13, 2007, available at <https://www.federalregister.gov/documents/2007/02/13/E7-2402/unmanned-aircraft-operations-in-the-national-airspace-system> (last visited March 2, 2023).

² Pub. L. No. 112-95 (2012).

³ However, land use, zoning, privacy, trespass, and law enforcement operations generally are not subject to federal regulation. See FAA, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, FAA Office of the Chief Counsel, December 17, 2015, p. 3, available at [Microsoft Word - UAS Fact Sheet Word Final 12172015.docx \(faa.gov\)](#) (last visited March 3, 2023).

⁴ See 14 C.F.R. part 107, *Small Unmanned Aircraft Systems*, available at [STATUTE-130-Pg615.pdf \(congress.gov\)](#) (last visited March 2, 2023).

⁵ See 49 U.S.C. 44809, available at 49 USC 44809: Exception for limited recreational operations of unmanned aircraft ([house.gov](#)) (last visited March 2, 2023). The conditions include, but are not limited to, flying the drone strictly for recreational purposes, from the surface to not more than 400 feet, within the visual line of sight.

⁶ Pub. L. No. 114-190 (2016).

- Other locations that warrant such restrictions.⁷

By the time of passage of the FAA Reauthorization Act of 2018,⁸ a five-year reauthorization of funding, authorities, and responsibilities through fiscal year 2023 (September 30, 2023), the FAA had not established the petition process required of the 2016 law. The 2018 law revised the first-listed meaning of “fixed site facility” to mean only critical infrastructure, such as energy production, transmission, distribution facilities and equipment, and railroad facilities. The 2018 law also revised the requirement for the process of petitioning the FAA to prohibit or restrict operation of an unmanned aircraft in close proximity to a fixed-site facility by requiring, not later than March 31, 2019, publishing of a notice of proposed rulemaking to carry out the petition process requirements and issuance of a final rule not later than 12 months after publishing the notice.

Various types of airspace restrictions applicable to drones and their operation already exist. For example, the FAA lists restrictions that commonly affect drone flights, such as stadiums and sporting events,⁹ near airports,¹⁰ security sensitive airspace restrictions,¹¹ restricted or special use airspace,¹² and Washington D.C. The FAA also prohibits drone flying over an emergency or rescue operations relating to wildfires and hurricanes.¹³

The FAA also has established additional resources for drone operators. For example, the FAA maintains a “No Drone Zone” web page to help people identify areas where they cannot operate a drone.¹⁴ A downloadable sign is available for use by public landowners that prohibits *takeoff and landing* (but not flight over a given area) of drones at a particular public location to inform operators of a local restriction.¹⁵ Recreational users may also download the free-of-charge “B4UFLY” app with interactive maps that help operators identify where they can and cannot fly.¹⁶

⁷ Pub. L. No. 114-190, s. 2209 (2016).

⁸ Pub. L. No. 115-254 (2018).

⁹ Major League Baseball, National Football League, NCAA Division One Football, and NASCAR Sprint Cup, Indy Car, and Champ Series races. Drone operations are prohibited within a radius of three nautical miles of the stadium or venue. *See* FAA, *Stadiums and Sporting Events*, available at [Stadiums and Sporting Events | Federal Aviation Administration \(faa.gov\)](#) (last visited March 3, 2023).

¹⁰ For details on flying drones near airports, *see* FAA, *Flying Near Airports*, available at [Flying Near Airports | Federal Aviation Administration \(faa.gov\)](#) (last visited March 3, 2023).

¹¹ Drones are prohibited from flying over designated national security sensitive facilities from the ground up to 400 feet above ground level. Examples include military bases designated as Department of Defense facilities, national landmarks (e.g., the Statue of Liberty, Hoover Dam, Mt. Rushmore), and certain critical infrastructure such as nuclear power plants. *See* FAA, *Security Sensitive Airspace Restrictions*, available at [Security Sensitive Airspace Restrictions | Federal Aviation Administration \(faa.gov\)](#) (last visited March 3, 2023).

¹² Examples include prohibited areas where aircraft flight, including drones, is prohibited, restricted areas where operations are hazardous to the operator, and temporary flight restrictions due to temporary hazardous conditions such as a wildfire, hurricane, or chemical spill; a security-related event such as the UN General Assembly, and other special situations such as a VIP movement. *See* FAA, *Restricted or Special Use Airspace*, available at [Restricted or Special Use Airspace | Federal Aviation Administration \(faa.gov\)](#) (last visited March 3, 2023).

¹³ *Id.*

¹⁴ Available at FAA, [No Drone Zone | Federal Aviation Administration \(faa.gov\)](#) (last visited March 3, 2023).

¹⁵ *Id.* Only the FAA can restrict airspace, but the FAA provided the sign that can be used by state, local, territorial, or tribal government agencies to identify areas where local flight restrictions exist.

¹⁶ *See* FAA, *B4UFLY*, available at [B4UFLY App | Federal Aviation Administration \(faa.gov\)](#) (last visited March 3, 2023).

What the FAA has not yet accomplished, however, is issuance of a final rule establishing the criteria and procedures for the operator or proprietor of eligible fixed site facilities to apply to the FAA for a drone-specific flight restriction over such facilities. The FAA apparently anticipates publishing the Notice of Proposed Rulemaking on June 30, 2023.¹⁷

State Action in the Absence of the FAA Rule

Because the federal rule has not been issued providing a process for the granting of a drone-specific flight restriction, states have attempted to protect infrastructure and facilities deemed to be critical and in need of such drone-flight restriction. According to the National Conference of State Legislatures, since 2013, at least 44 states have enacted laws addressing drones, commonly defining what a drone is, how they can be used by law enforcement or other state agencies, how they can be used by the general public, and regulations for use of drones in hunting game.¹⁸

Industry stakeholders and the U.S. Chamber of Commerce have reportedly urged the FAA to begin the rulemaking process, expressing the following:

The concern by these and other industry leaders is not simply that the failure to enact Section 2209 leaves ambiguity as to what infrastructure and facilities are considered “fixed site,” but a larger failure by the FAA to firmly establish that they hold sole authority to regulate the national airspace. Without the enactment of Section 2209, states have been enacting their own legislation to protect (and define) critical infrastructure sites, which has led to a patchwork [of] unwieldy and inconsistent laws.¹⁹

Because the FAA has regulatory authority over matters pertaining to aviation safety,²⁰ and because states are unclear as to which facilities are or are not “fixed site” facilities, and further because the FAA has not issued a rule establishing the criteria and procedures for the operator or proprietor of eligible fixed site facilities to apply to the FAA for a drone-specific flight restriction over such facilities, state statutes may be in conflict with the anticipated FAA rule. Any state statute, to the extent of any conflict with the expected FAA rule, will be preempted.

Florida Law

Florida’s Unmanned Aircraft System Act²¹ defines “drone” to mean a powered, aerial vehicle that:

- Does not carry a human operator;
- Uses aerodynamic forces to provide vehicle lift;

¹⁷ See the FAA *Significant Rulemaking Report*, September 2022, available at [Rulemaking Management System - Congressional Interest Status Report \(transportation.gov\)](#) (last visited March 3, 2023).

¹⁸ See NCSL.org, *Current Unmanned Aircraft State Law Landscape*, available at [Current Unmanned Aircraft State Law Landscape \(ncsl.org\)](#) (last visited March 3, 2023).

¹⁹ See National Law Review, *Potential Consequences of the FAA’s Failure to Implement Section 2209*, available at [FAA’s Failure to Implement Section 2209 Brings Consequences \(natlawreview.com\)](#) (last visited March 3, 2023).

²⁰ See FAA, *State and Local Regulation of Unmanned Aircraft Systems (UAS) Fact Sheet*, FAA Office of the Chief Counsel, December 17, 2015, available at [Microsoft Word - UAS Fact Sheet Word Final 12172015.docx \(faa.gov\)](#) (last visited March 3, 2023).

²¹ Section 330.41, F.S.

- Can fly autonomously or be piloted remotely;
- Can be expendable or recoverable; and
- Can carry a lethal or nonlethal payload.²²

“Critical infrastructure facility” means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

- An electrical power generation or transmission facility, substation, switching station, or electrical control center.
- A chemical or rubber manufacturing or storage facility.
- A mining facility.
- A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
- A liquid natural gas or propane gas terminal or storage facility with a capacity of 4,000 gallons or more.
- Any portion of an aboveground oil or gas pipeline.
- A wireless communications facility, including tower, antennae, support structures, and all associated ground-based equipment.
- A defined state correctional institution or private correctional facility.
- A defined secure detention center or facility, a high-risk residential facility, or a defined maximum-risk residential facility.
- A defined county detention facility.²³

Regulation of the operation of drones is vested in the state, except as provided in federal regulations, authorizations, or exemptions.²⁴ However, the statute does not limit the authority of a local government to enact or enforce local ordinances relating to nuisances, voyeurism, harassment, reckless endangerment, property damage, or other illegal acts arising from the use of drones if such laws or ordinances are not specifically related to the use of a drone for those illegal acts.²⁵

Mirroring federal law relating to the petition process discussed above but not yet accomplished, Florida law requires a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the FAA for such designation pursuant to the Extension Act of 2016.²⁶

²² Section 934.50(2), F.S. “Unmanned aircraft system” means a drone and its associated elements, including communication links and the components used to control the drone which are required for the pilot in command to operate the drone safely and efficiently. Section 330.41(2)(b), F.S.

²³ Section 330.41(2)(a), F.S.

²⁴ “Except as otherwise expressly provided, a political subdivision may not enact or enforce an ordinance or resolution relating to the design, manufacture, testing, maintenance, licensing, registration, certification, or operation of an unmanned aircraft system, including airspace, altitude, flight paths, equipment or technology requirements; the purpose of operations; and pilot, operator, or observer qualifications, training, and certification.” Section 330.41(3)(b), F.S.

²⁵ Section 330.41(3)(c), F.S.

²⁶ Section 330.41(3)(d), F.S.

A person may not knowingly or willfully:

- Operate a drone over a critical infrastructure facility;
- Allow a drone to make contact with a critical infrastructure facility, including any person or object on the premises of or within the facility; or
- Allow a drone to come within a distance of a critical infrastructure facility that is close enough to interfere with the operations of or cause a disturbance to the facility.²⁷

A person who violates the above provisions commits a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days,²⁸ plus a possible additional \$500 fine.²⁹

The prohibitions do not apply to actions which are committed by:

- A federal, state, or other governmental entity, or a person under contract or otherwise acting under the direction of a federal, state, or other governmental entity;
- A law enforcement agency that is in compliance with s. 934.50, F.S., or a person under contract with or otherwise acting under the direction of such law enforcement agency; or
- An owner, operator, or occupant of the critical infrastructure facility, or a person who has prior written consent of such owner, operator, or occupant.³⁰

The state's definition of "critical infrastructure facility," and therefore the prohibitions against operating a drone over or near such a facility, also do not apply to a drone operating in transit for commercial purposes in compliance with FAA regulations, authorizations, or exemptions.³¹

To ensure that Florida is compliant with Federal laws related to the regulation of drones, s. 330.41(4)(e), F.S., requires that the state's definition of "critical infrastructure facility," and therefore the provisions limiting the operation of drones over or near such facilities, sunset 60 days after the FAA adopts rules to designate "fixed-site" facilities and provides a process for specified entities to apply for exemptions and protection from drone use.³² Section 330.41, F.S., must be construed in accordance with standards imposed by federal statutes, regulations, and FAA guidance.³³

III. Effect of Proposed Changes:

The bill amends s. 330.41, F.S., Florida's Unmanned Aircraft Systems Act, to include the following additional items in the state's definition of "critical infrastructure facility:"

- A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

²⁷ Section 330.41(4)(a), F.S.

²⁸ Section 775.082(4)(b), F.S.

²⁹ Section 775.083(1)(e), F.S.

³⁰ Section 330.41(4)(c), F.S.

³¹ Section 330.41(4)(d), F.S.

³² Section 330.41(4)(e), F.S.

³³ Section 330.41(5), F.S.

- A deepwater port listed in s. 311.09(1), F.S.,³⁴ which need not be completely enclosed by a fence or other physical barrier, or be marked with a sign or signs indicating that entry is forbidden.
- A railroad switching yard
- An airport as defined in s. 330.27, F.S.³⁵
- A spaceport territory as defined in s. 331.303(18), F.S.³⁶
- A military installation listed in s. 163.3175(2), F.S.³⁷
- A dam as defined in s. 373.403(1), F.S.,³⁸ or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waters.

The bill also revises the existing inclusion in the definition of “critical infrastructure facility” a liquid natural gas or propane gas terminal or storage facility, by removing that such terminal or storage facility have a capacity of 4,000 gallons or more.

Except for the specified deepwater ports, the revised and added structures and facilities must be completely enclosed by a fence or other physical barrier or be clearly marked with a sign or signs which indicate that entry is forbidden, which must be posted on the property in a manner reasonably likely to come to the attention of intruders.

Any person who knowingly and willfully operates a drone over the specified additional facilities and structures; or allows a drone to make contact with one, including any person or object on the premises of or within the facility; or allows a drone to come within a distance of one that is close enough to interfere with the operations of or cause a disturbance to one is subject to a definite term of imprisonment not exceeding 60 days,³⁹ plus a possible additional \$500 fine,⁴⁰ except for those actions committed by the identified entities, agencies, or persons to which these provisions do not apply as described above.

In addition, the bill strikes the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the FAA for such designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016. (See the “Related Issues” heading below.)

³⁴ Jacksonville, Port Canaveral, Port Citrus, Fort Pierce, Palm Beach, Port Everglades, Miami, Port Manatee, St. Petersburg, Putnam County, Tampa, Port St. Joe, Panama City, Pensacola, Key West, and Fernandina.

³⁵ An area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. Section 330.27(2), F.S.

³⁶ The geographical area designated in s. [331.304](#), F.S., and as amended or changed in accordance with s. [331.329](#), F.S.

³⁷ Avon Park Air Force Range; Camp Blanding; Eglin Air Force Base and Hurlburt Field; Homestead Air Reserve Base; Jacksonville Training Range Complex, MacDill Air Force Base, Naval Air Station Jacksonville, Marine Corps Support Facility-Blount Island, and outlying landing field Whitehouse; Naval Air Station Key West; Naval Support Activity Orlando, including Bugg Spring and Naval Ordnance Test Unit; Naval Support Activity Panama City; Naval Air Station Pensacola; Naval Air Station Whiting Field and its outlying landing fields; Naval Station Mayport; Patrick Space Force Base and Cape Canaveral Space Force Station; Tyndall Air Force Base; United States Southern Command.

³⁸ Any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.

³⁹ Section 775.082(4)(b), F.S.

⁴⁰ Section 775.083(1)(e), F.S.

The bill also strikes the provision making the definition of “critical infrastructure facility” inapplicable to a drone operating in transit for commercial purposes in compliance with Federal Aviation Administration regulations, authorizations, or exemptions. Operation of such drones would be restricted as provided in state law until such time that state law conflicts with a federal definition of what constitutes a “fixed-site facility” or with any other federal law, regulation, or authorization.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Pursuant to the FAA Reauthorization Act of 2018, the U.S. Government Accountability (GAO) studied and reported on a number of issues relating to the regulatory framework to safely integrate drones into the national airspace. The GAO notes that “the law on a number of key matters is in a state of flux.”⁴¹ Among the issues discussed in the report is the “possible constitutionally-protected property rights in low-altitude airspace.”

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person who violates the provisions relating to protection of critical infrastructure facilities in s. 330.41(4), F.S., commits a second-degree misdemeanor, punishable by a

⁴¹ See GAO, *Unmanned Aircraft Systems: Current Jurisdictional, Property, and Privacy Legal Issues Regarding the Commercial and Recreational Use of Drones*, available at [Unmanned Aircraft Systems: Current Jurisdictional, Property, and Privacy Legal Issues Regarding the Commercial and Recreational Use of Drones \(Correspondence\) | U.S. GAO](#) (last visited March 13, 2023).

definite term of imprisonment not exceeding 60 days,⁴² plus a possible additional \$500 fine.⁴³

C. Government Sector Impact:

The bill's impact on state and local revenues is indeterminate, as it is unknown how many violations will occur.

VI. Technical Deficiencies:

None.

VII. Related Issues:

As noted, the bill strikes from Florida law the current provision mirroring federal law, requiring a person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates to apply to the FAA for such designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016. Mirroring federal law is not necessary,⁴⁴ as once the FAA issues a rule, the state will be bound by its terms to the extent that any state statute conflicts with that rule. Moreover, the reference to the Extension Act of 2016 is outdated, as it is in the sunset provision set out in s. 330.41(4)(e), F.S. Either reference in Florida Statutes, if retained, should reference the FAA Reauthorization Act of 2018 or its successor.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.41.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on March 14, 2023:

The committee substitute:

- Adds a number of other facilities and structures to the existing definition of “critical infrastructure facility,” and revises an existing definition.

⁴² Section 775.082(4)(b), F.S.

⁴³ Section 775.083(1)(e), F.S.

⁴⁴ The FAA Office of the Chief Counsel previously opined: “Substantial air safety issues are raised when state or local governments attempt to regulate the operation or flight of aircraft. If one or two municipalities enacted ordinances regulating UAS in the navigable airspace and a significant number of municipalities followed suit, fractionalized control of the navigable airspace could result. In turn, this ‘patchwork quilt’ of differing restrictions could severely limit the flexibility of FAA in controlling the airspace and flight patterns, and ensuring safety and an efficient air traffic flow. A navigable airspace free from inconsistent state and local restrictions is essential to the maintenance of a safe and sound air transportation system. See *Montalvo v. Spirit Airlines*, 508 F.3d 464 (9th Cir. 2007), and *French v. Pan Am Express, Inc.*, 869 F.2d 1 (1st Cir. 1989); see also *Arizona v. U.S.*, 567 U.S. ___, 132 S.Ct. 2492, 2502 (2012) (“Where Congress occupies an entire field . . . even complimentary state regulation is impermissible. Field preemption reflects a congressional decision to foreclose any state regulation in the area, even if it is parallel to federal standards.”), and *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 386-87 (1992).” *Supra* note 1 at p. 2.

- Removes a provision making the definition of “critical infrastructure facility” inapplicable to a drone operating in transit for commercial purposes in compliance with Federal Aviation Administration regulations, authorizations, or exemptions.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.



763914

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/14/2023	.	
	.	
	.	
	.	

The Committee on Transportation (Rodriguez) recommended the following:

Senate Amendment (with directory and title amendments)

Delete lines 23 - 52

and insert:

1. A ~~An electrical~~ power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.



763914

- 11 ~~4.3.~~ A mining facility.
- 12 ~~5.4.~~ A natural gas or compressed gas compressor station,
13 storage facility, or natural gas or compressed gas pipeline.
- 14 ~~6.5.~~ A liquid natural gas or propane gas terminal or
15 storage facility ~~with a capacity of 4,000 gallons or more.~~
- 16 ~~7.6.~~ Any portion of an aboveground oil or gas pipeline.
- 17 ~~8.7.~~ A wireless communications facility, including the
18 tower, antennae, support structures, and all associated ground-
19 based equipment.
- 20 9. A deepwater port listed in s. 311.09(1) or a railroad
21 switching yard. However, such deepwater port need not be
22 completely enclosed by a fence or other physical barrier and
23 need not be marked with a sign or signs indicating that entry is
24 forbidden.
- 25 10. An airport as defined in s. 330.27.
- 26 11. A spaceport territory as defined in s. 331.303(18).
- 27 12. A military installation listed in s. 163.3175(2).
- 28 13. A dam as defined in s. 373.403(1) or other structures,
29 such as locks, floodgates, or dikes, which are designed to
30 maintain or control the level of navigable waterways.
- 31 ~~14.8.~~ A state correctional institution as defined in s.
32 944.02 or a private correctional facility authorized under
33 chapter 957.
- 34 ~~15.9.~~ A secure detention center or facility, as defined in
35 s. 985.03, or a nonsecure residential facility, a high-risk
36 residential facility, or a maximum-risk residential facility, as
37 those terms are described in s. 985.03(44).
- 38 ~~16.10.~~ A county detention facility, as defined in s.
39 951.23.



763914

40 (3) REGULATION.—

41 ~~(d) A person or governmental entity seeking to restrict or~~
42 ~~limit the operation of drones in close proximity to~~
43 ~~infrastructure or facilities that the person or governmental~~
44 ~~entity owns or operates must apply to the Federal Aviation~~
45 ~~Administration for such designation pursuant to s. 2209 of the~~
46 ~~FAA Extension, Safety, and Security Act of 2016.~~

47 (4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

48 (d) ~~Subparagraph (a)1. does not apply to a drone operating~~
49 ~~in transit for commercial purposes in compliance with Federal~~
50 ~~Aviation Administration regulations, authorizations, or~~
51 ~~exemptions.~~

52 ~~(e) This subsection and paragraph (2) (a) shall sunset 60~~
53 ~~days after the date that a process pursuant to s. 2209 of the~~
54 ~~FAA Extension, Safety and Security Act of 2016 becomes~~
55 ~~effective.~~

56

57 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

58 And the directory clause is amended as follows:

59 Delete lines 12 - 13

60 and insert:

61 Section 1. Paragraph (a) of subsection (2), paragraph (d)
62 of subsection (3), and paragraphs (d) and (e) of subsection (4)
63 of section 330.41, Florida Statutes, are

64

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

66 And the title is amended as follows:

67 Delete line 8

68 and insert:



763914

69 areas; deleting a provision allowing a drone operating
70 in transit for commercial purposes to operate over a
71 critical infrastructure facility under certain
72 circumstances; providing for the future sunset of the
73 definition of the term "critical infrastructure
74 facility"; providing an effective date.

By Senator Rodriguez

40-01210A-23

2023908__

A bill to be entitled

An act relating to the Unmanned Aircraft Systems Act; amending s. 330.41, F.S.; revising the definition of the term "critical infrastructure facility"; deleting a requirement that a person or governmental entity apply to the Federal Aviation Administration to restrict or limit the operation of drones in specified areas; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) and paragraph (d) of subsection (3) of section 330.41, Florida Statutes, are amended to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) "Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. An electrical power generation or transmission facility, substation, switching station, or electrical control center.
2. A chemical or rubber manufacturing or storage facility.
3. A mining facility.
4. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
5. A liquid natural gas or propane gas terminal or storage

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

40-01210A-23

2023908__

facility with a capacity of 4,000 gallons or more.

6. Any portion of an aboveground oil or gas pipeline.

7. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.

8. A deepwater port listed in s. 311.09(1), regardless of whether the deepwater port is completely enclosed by a fence or other physical barrier, or a railroad switching yard.

9. A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.

~~10.9.~~ A secure detention center or facility, as defined in s. 985.03, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility, as those terms are described in s. 985.03(44).

~~11.10.~~ A county detention facility, as defined in s. 951.23.

(3) REGULATION.—

~~(d) A person or governmental entity seeking to restrict or limit the operation of drones in close proximity to infrastructure or facilities that the person or governmental entity owns or operates must apply to the Federal Aviation Administration for such designation pursuant to s. 2209 of the FAA Extension, Safety, and Security Act of 2016.~~

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

SB 908

03/14/2023

Meeting Date

Transportation

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

763914

Amendment Barcode (if applicable)

Name **Michael Rubin**

Phone **850-443-0722**

Address **502 East Jefferson Street**

Email **mike.rubin@flaports.org**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Ports Council

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

3/14/23

Meeting Date

The Florida Senate APPEARANCE RECORD

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908

Bill Number or Topic

Transportation

Committee

763914

Amendment Barcode (if applicable)

Name Chris Dawson

Phone 407 843 8880

Address 301 E. Pine Street, Suite 1400

Email chris.dawson@gray-robinson.com

Street

Orlando

FL

32801

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Canaveral Port Authority

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

March 14, 2023

The Florida Senate
APPEARANCE RECORD

908

Meeting Date
Transportation

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic
763914

Committee
Darrick D McGhee, Sr.
Name

Amendment Barcode (if applicable)
(850) 321-6489
Phone

Address
537 East Park Avenue
Street
Tallahassee Florida 32301
City State Zip

Email
Darrick@teamjcb.com

Reset Form

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
Florida Airports Council

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

SB 908

03/14/2023

Meeting Date

Bill Number or Topic

Transportation

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Michael Rubin**

Phone **850-443-0722**

Address **502 East Jefferson Street**

Email **mike.rubin@flaports.org**

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Ports Council

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

MARCH 14-2023

The Florida Senate
APPEARANCE RECORD

SB 908

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

TRANSPORTATION

Committee

Amendment Barcode (if applicable)

Name Chief Ray Colburn - FL Fire Chiefs Phone 407-418-6622

Address 221 Pinewood Dr. Email ray@ffca.org

Street

Tallahassee, FL 32303

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

908

Bill Number or Topic

3/14/23

Meeting Date

Transportation

Committee

Amendment Barcode (if applicable)

Name

Chris Dawson

Phone

407 843 8880

Address

301 E. Pine Street, Suite 1400

Email

chris.dawson@gray-robinson.com

Street

Orlando

City

FL

State

32801

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Canaveral Port Authority

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

SB 908

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Tanner Warwick

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

Associated Industries
of Florida

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Judiciary, *Vice Chair*
Appropriations Committee on Education
Appropriations Committee on Health
and Human Services
Banking and Insurance
Fiscal Policy
Rules
Transportation

JOINT COMMITTEE:

Joint Administrative Procedures Committee

SENATOR COLLEEN BURTON

12th District

March 14th, 2023

The Honorable Nick DiCeglie
Committee on Transportation
410 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Chair DiCeglie,

I stepped out of the Committee on Transportation to present my bills and missed the following votes.

SB 322 by Gruters—Natural Gas Fuel Taxes **YES**

SB 386 by Bradley—Specialty License Plates/United Service Organizations **YES**

SB 588 by Rodriguez—Enforcement of School Zone Speed Limits **YES**

SB 796 by Wright—Seaports **YES**

SB 908 by Rodriguez—Unmanned Aircraft Systems Act **YES**

Regards,

A handwritten signature in blue ink that reads "Colleen Burton".

Colleen Burton
State Senator, District 12

CC: Rob Vickers, Staff Director
Marilyn Hudson, Committee Administrative Assistant

REPLY TO:

- 100 South Kentucky Avenue, Suite 260, Lakeland, Florida 33801 (863) 413-1529
- 318 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5012

Senate's Website: www.flsenate.gov

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

CourtSmart Tag Report

Room: SB 110
Caption: Senate Transportation Committee

Case No.:

Type:
Judge:

Started: 3/14/2023 8:32:15 AM

Ends: 3/14/2023 8:54:09 AM

Length: 00:21:55

8:32:13 AM Called to order
8:33:00 AM Roll call for attendance
8:33:04 AM Quorum present-pledge of attendance
8:33:34 AM Tab 4 SB 796 tp'd
8:33:36 AM Tab 2 SB 386 Specialty License Plates/United Service Organizations
8:33:58 AM Senator Bradley explains the bill
8:34:01 AM Amendment 749554
8:34:21 AM No questions
8:34:26 AM No appearance
8:34:31 AM Waive close
8:34:34 AM Amendment adopted
8:34:44 AM Back on bill as amended
8:34:47 AM No appearance
8:34:51 AM No debate
8:34:54 AM Waive close
8:35:00 AM Roll call
8:35:06 AM CS SB 386 favorable
8:35:35 AM Tab 1 SB 322 Natural Gas Fuel Taxes
8:35:50 AM Senator Gruters explains bill
8:36:12 AM Senator Gruters
8:36:18 AM No questions
8:37:00 AM Dale Calhoun, Florida Natural Gas, Propane Gas Associations waive support
8:37:12 AM Erin Ballas, National Waste and Recycling Association waive support
8:37:12 AM Carolyn Johnson, Florida Chamber of Commerce waive support
8:37:17 AM Tanner Warwick, Associated Industries of Florida waive support
8:37:34 AM No debate
8:37:38 AM Waive close
8:37:42 AM Roll call - SB 322 favorable
8:38:07 AM Recording Paused
8:42:30 AM Recording Resumed
8:42:38 AM Chair DiCeglie
8:43:38 AM Tab 3 SB 588 Enforcement of School Zone Speed Limits
8:43:52 AM Senator Rodriguez
8:44:58 AM No questions
8:45:09 AM Amendment 444884
8:45:20 AM Senator Rodriguez
8:45:32 AM No questions
8:46:03 AM No appearance/debate
8:46:15 AM Waive close
8:46:17 AM Amendment adopted
8:46:24 AM Back on bill as amended
8:46:36 AM Eric Draper, Florida Bicycle Association speaks
8:48:01 AM Jennifer Cook Pritt, FL Police Chiefs Association waives
8:48:15 AM No debate
8:48:22 AM Chair DiCeglie
8:48:41 AM Senator Rodriguez
8:48:44 AM Roll call
8:48:51 AM CS SB 588 favorable
8:49:15 AM Tab 5
8:49:20 AM SB 908 Unmanned Aircraft Systems Act
8:49:25 AM Senator Rodriguez explains
8:49:47 AM Amendment 763914

8:50:45 AM Senator Rodriguez explains
8:50:53 AM No questions
8:51:23 AM Michael Rubin, Florida Ports Council waive support
8:51:31 AM Chris Dawson, Canaveral Port Authority waive support
8:51:39 AM Darrick D McGhee Sr., Florida Airports Council waives
8:51:52 AM No debate
8:51:53 AM Waive close
8:51:59 AM Amendment adopted
8:52:05 AM Back on bill as amended
8:52:12 AM Michael Rubin waive support
8:52:20 AM Chief Ray Colburn, Florida Fire Chiefs waive support
8:52:28 AM Chris Dawson waive support
8:52:36 AM Tanner Warwick, Associated Industries of Florida waive support
8:52:43 AM No debate
8:52:46 AM Waive close
8:52:48 AM CS SB 908 favorable
8:53:16 AM Senators vote after
8:53:24 AM Senator Gruters
8:53:29 AM Senator Trumbull
8:53:31 AM Senator Gruters moves to adjourn
8:53:48 AM Meeting adjourned



THE FLORIDA SENATE

SENATOR JASON W.B. PIZZO

DISTRICT OFFICE:

3475 Sheridan Street
Suite 211
Hollywood, FL 33021
pizzo.jason@flsenate.gov

SENATE OFFICE:

222 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399
Phone: 850.487.5038

STAFF:

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cariota.teri@flsenate.gov

Kayla Francis
Legislative Aide
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Olivia Callari
District Legislative Aide
callari.olivia@flsenate.gov

COMMITTEE MEMBERSHIP:

Joint Legislative Auditing,
Chair

Appropriations

Appropriations
Committee on Criminal &
Civil Justice

Community Affairs

Criminal Justice

Finance & Tax

Military & Veterans
Affairs, Space, and
Domestic Security

Resiliency

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore

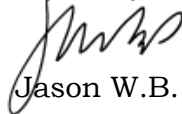
March 14, 2023

The Honorable Nick DiCeglie
Senate Committee on Transportation
310 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair DiCeglie,

Please excuse my absence from the Senate Committee on Transportation on March 14, 2023.

Sincerely,


Jason W.B. Pizzo



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Transportation, *Vice Chair*
Appropriations
Appropriations Committee on Education
Appropriations Committee on Health
and Human Services
Governmental Oversight and Accountability
Health Policy
Regulated Industries

SELECT COMMITTEE:

Select Committee on Resiliency

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR TRACIE DAVIS

5th District

March 14, 2023

Senator Nick DiCeglie, Chair
Committee on Transportation
410 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair DiCeglie,

Please accept this excusal letter for today's Transportation committee meeting.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracie Davis".

Tracie Davis
State Senator
District 05

☐ 2933 North Myrtle Avenue, Suite 201, Jacksonville, Florida 32209 (904) 359-2575
☐ 224 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005

KATHLEEN PASSIDOMO
President of the Senate

DENNIS BAXLEY
President Pro Tempore