

<b>Tab 1</b>	<b>SB 322 by Gruters;</b> Identical to H 00529 Natural Gas Fuel Taxes					
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<b>Tab 2</b>	<b>SB 386 by Bradley;</b> Specialty License Plates/United Service Organizations					
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749554	A	S	RCS	TR, Bradley	Delete L.23:	03/14 01:35 PM
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<b>Tab 3</b>	<b>SB 588 by Rodriguez;</b> Similar to H 00657 Enforcement of School Zone Speed Limits					
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<b>Tab 4</b>	<b>SB 796 by Wright;</b> Seaports					
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<b>Tab 5</b>	<b>SB 908 by Rodriguez;</b> Compare to CS/H 00645 Unmanned Aircraft Systems Act					
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**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	<b>SB 322</b> 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	<b>SB 386</b> 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	<b>SB 588</b> 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	<b>SB 796</b> 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	<b>SB 908</b> 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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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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	<b>Favorable</b>
2.			FT	
3.			AP	

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## **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.<sup>1</sup> 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.<sup>2</sup> Thereafter, a person operating as a natural gas fuel retailer was required to pay a tax on all natural gas fuel purchases<sup>3</sup> and report monthly to the Department of Revenue.<sup>4</sup>

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<sup>1</sup> Ch.2013-198, L.O.F.

<sup>2</sup> Section 212.08(4)(a)2., F.S. (2022).

<sup>3</sup> Section 206.9952(8), F.S. (2013).

<sup>4</sup> 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 gallon<sup>5</sup> 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.<sup>6</sup>
- 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.<sup>7</sup>

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.<sup>8</sup>
- 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.<sup>9</sup>

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.<sup>10</sup>
- 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.<sup>11</sup>

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<sup>5</sup> “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.

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> Section 206.9952(3)(a), F.S. (2013).

<sup>9</sup> Section 206.9952(3)(b), F.S. (2013).

<sup>10</sup> *Supra* notes 6 and 7.

<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup>

**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.

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

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

<sup>13</sup> *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

Page 1 of 4

**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

Page 2 of 4

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



22-00627-23 2023322\_\_

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

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

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

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

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

22-00627-23 2023322\_\_

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

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

3/14/23

Meeting Date

Transportation

Committee

The Florida Senate

## APPEARANCE RECORD

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

322

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Dale Calhoun**

Phone **8506810496**

Address **201 S Monroe St Unit A**

Street

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

**Tallahassee**

**FL**

**32301**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

☐ I am appearing without  
compensation or sponsorship.

### PLEASE CHECK ONE OF THE FOLLOWING:

☒ 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 \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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

March 14, 2023

Meeting Date

Transportation

Committee

SB 322

Bill Number or Topic

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 \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

8/14/23

Meeting Date

Transportation

Committee

SB 822

Bill Number or Topic

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 \(flsenate.gov\)](#)

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

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 \(flsenate.gov\)](#)

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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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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	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**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."<sup>1</sup>

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<sup>1</sup> 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:<sup>2</sup>

- 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.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup>

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.<sup>7</sup>

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

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

<sup>3</sup> 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](https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf) (last visited March 10, 2023).

<sup>4</sup> 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.

<sup>5</sup> Section 320.08058, F.S.

<sup>6</sup> 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.

<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup>

### ***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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup>

### ***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.<sup>14</sup> 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.<sup>15</sup>

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

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<sup>8</sup> Section 320.08053(3)(a), F.S.

<sup>9</sup> Section 320.08053(3)(b), F.S.

<sup>10</sup> Section 320.08056(10)(a), F.S.

<sup>11</sup> 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.

<sup>12</sup> Section 320.08056(10)(a), F.S.

<sup>13</sup> Section 320.08056(11), F.S.

<sup>14</sup> Section 320.08056(8)(a), F.S.

<sup>15</sup> 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.<sup>16</sup>

### **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.

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<sup>16</sup> 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.<sup>17</sup>

**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.

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

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



749554

LEGISLATIVE ACTION

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

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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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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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	<b>Fav/CS</b>
2.			ATD	
3.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**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.<sup>1</sup>

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.<sup>2</sup>

### **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

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<sup>1</sup> Section 316.640(1)(a), F.S.

<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

### **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:<sup>6</sup>

- 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.<sup>7</sup>

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.<sup>8</sup> 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.<sup>9</sup>

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<sup>3</sup> Section 316.640(1)(b)3. and (5), F.S.

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

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

<sup>6</sup> Section 316.1906(2), F.S.

<sup>7</sup> 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.

<sup>8</sup> Section 316.1905(1), F.S.

<sup>9</sup> 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.”<sup>10</sup> 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.<sup>11</sup> 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.”<sup>12</sup>

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.<sup>13</sup> 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.<sup>14</sup>

## ***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.<sup>15</sup>

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.<sup>16</sup>

## ***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

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

<sup>11</sup> 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](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).

<sup>12</sup> *Id* at 15.4.2(15) p. 52-53.

<sup>13</sup> 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.

<sup>14</sup> Section 316.1895(3)(b) and (c), F.S.

<sup>15</sup> FDOT, *supra* note 11, at 15.4.2(3) p. 47.

<sup>16</sup> 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.”<sup>17</sup>

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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup>

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.<sup>21</sup> The MUTCD requires the posting 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.<sup>22</sup>

### ***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.<sup>23</sup> 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:<sup>24</sup>

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

<sup>17</sup> MUTCD, Chapter 7A (2009 ed.).

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

<sup>19</sup> *Id.*

<sup>20</sup> FDOT, *supra* note 11 at 15.4.2 p. 55-58.

<sup>21</sup> Section 316.1895(6), F.S.

<sup>22</sup> MUTCD, Chapter 7B.10 (2009 ed.).

<sup>23</sup> Section 316.1895(10), F.S.

<sup>24</sup> 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.<sup>25</sup>

### **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.<sup>26</sup> 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.<sup>27</sup> Regulation of the use of cameras to enforce provisions of the Florida Uniform Traffic Control Law<sup>28</sup> is expressly preempted to the state.<sup>29</sup>

Counties and municipalities may install or authorize installation of traffic infraction detectors on streets and highways under its jurisdiction in accordance with FDOT standards.<sup>30</sup> Furthermore, a county may install or authorize installation of such devices within unincorporated areas of the county.<sup>31</sup> 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.<sup>32</sup>

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.<sup>33</sup> Such signage must meet the specifications for uniform signals and devices adopted by the FDOT under s. 316.0745, F.S.<sup>34</sup>

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.<sup>35</sup> 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.<sup>36</sup>

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<sup>25</sup> 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).

<sup>26</sup> See s. 316.008(8), F.S.

<sup>27</sup> Section 316.003(98), F.S.

<sup>28</sup> Chapter 316, F.S.

<sup>29</sup> Section 316.0076, F.S.

<sup>30</sup> Sections 316.008(8) and 316.0776(1), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Section 321.50, F.S.

<sup>33</sup> Section 316.0776(2), F.S.

<sup>34</sup> *Ibid.*

<sup>35</sup> Section 316.0776(2), F.S.

<sup>36</sup> 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.<sup>37</sup>

A notification must be sent to the registered owner<sup>38</sup> 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.<sup>39</sup>

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.<sup>40</sup>

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.<sup>41</sup>

***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.<sup>42</sup> 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.<sup>43</sup>

***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

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<sup>37</sup> Section 316.0083(1)(a), F.S.

<sup>38</sup> 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.

<sup>39</sup> Sections 316.003(98) and 316.0083(1)(b), F.S.

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

<sup>41</sup> Section 322.27(3)(d)6., F.S.

<sup>42</sup> Section 316.0083(1)(b)1.c., F.S.

<sup>43</sup> 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.<sup>44</sup> 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.<sup>45</sup> 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.<sup>46</sup>

### *Defenses*

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

- 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.<sup>48</sup>

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.<sup>49</sup> Submission of a false affidavit is a second degree misdemeanor.<sup>50</sup>

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.<sup>51</sup> 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

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<sup>44</sup> Section 316.0083(1)(c), F.S.

<sup>45</sup> Section 316.0083(1)(e), F.S.

<sup>46</sup> Section 316.650(3)(c), F.S.

<sup>47</sup> Section 316.0083(d)(1)1., F.S.

<sup>48</sup> Section 316.0083(1)(d)1.e., F.S.

<sup>49</sup> Section 316.0083(1)(d)2., F.S.

<sup>50</sup> Section 316.0083(1)(d)5., F.S.

<sup>51</sup> 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.<sup>52</sup>

### ***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.<sup>53</sup>

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

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<sup>52</sup> Sections 316.0083(d)2. and 318.18(15)(c), F.S.

<sup>53</sup> *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:

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

<b>MPH Over the Legally Posted Speed Limit</b>	<b>Current Law</b>		<b>Under the Bill as Evidenced by a Speed Detection System</b>	
	<b>Fine – Regular Posted Speed Limit</b>	<b>Fine – School Zone Speed Limit</b>	<b>Fine – Regular Posted Speed Limit</b>	<b>Fine – School Zone Speed Limit</b>
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

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

<sup>55</sup> 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:<sup>56</sup>

- 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.<sup>57</sup>

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

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<sup>56</sup> Section 316.0083(d)(1)1., F.S.

<sup>57</sup> 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.<sup>58</sup> 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.

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<sup>58</sup> 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	.	
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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



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

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

(b) If the department, county, or municipality begins a traffic infraction detector program in a county or municipality that has never conducted such a program, the respective department, county, or municipality must ~~shall~~ also 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.

(3) A speed detection system may be placed or installed on a state road after such placement or installation is permitted by the Department of Transportation and in accordance with placement and installation specifications developed by the Department of Transportation. A speed detection system may be placed or installed on a street or highway under the 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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s. 316.183 or s. 316.1895, enforced by a speed detection system, and liability may not be imposed for the civil penalty under s. 318.18(3)(d).

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

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

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

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

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

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



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

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

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

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

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

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



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

(a) Be sent by first-class mail.

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

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

(4) Notwithstanding any other law, a person who receives a  
notification of violation under this section may request a  
hearing within 30 days after the notification of violation or  
pay the penalty pursuant to the notification of violation, but a  
payment or fee may not be required before the hearing requested  
by the person. The notification 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, information on all  
court-related costs, and a form for requesting a hearing. As  
used in this subsection, the term "person" includes a natural  
person, the registered owner or co-owner of a motor vehicle, or  
the person identified in an affidavit as having actual care,  
custody, or control of a motor vehicle at the time of the  
violation.

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



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

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

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



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detailed information supporting an exception under subsection (8).

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

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

(c) If the motor vehicle's owner to whom a uniform traffic citation has been issued is deceased, 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:

1. 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.

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

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



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

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

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

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

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

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





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measured by a speed detection system which are attached to or  
referenced in the traffic citation are evidence of a violation  
of s. 316.183 or s. 316.1895 and are admissible in any  
proceeding to enforce this section. 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 s. 316.183 or s. 316.1895.

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

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

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

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

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



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

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

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

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

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



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

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

(1) DEFINITIONS.—

(d) "Officer" means any:

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

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

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

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



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s. 316.1896.

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

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

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



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offense listed in s. 318.17 are as follows:

(3)

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

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

And the title is amended as follows:

Delete line 24

and insert:

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.  
 90

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

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

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

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

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

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

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

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

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

Such violation must be evidenced by a speed detection system.

This subsection does not prohibit a review of information from a speed detection system by an authorized employee or agent of a county or municipality before issuance of the traffic citation by the traffic infraction enforcement officer. This subsection does not prohibit a county or municipality from issuing notifications as provided in subsection (2) to the registered owner of the motor vehicle in violation of s. 316.183 or s. 316.1895.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) If the motor vehicle's owner to whom a uniform traffic citation has been issued is deceased, 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:

1. 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.

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

3. 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.

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

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

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

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

(13) The photographic or electronic images or the streaming video evidence and the evidence of the speed of the vehicle as 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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added to that section, to read:

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

(1) DEFINITIONS.—

(d) "Officer" means any:

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

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

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

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

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

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

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

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(3)

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

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

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

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

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

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

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communications device, resulting in a crash—6 points.

4. Passing a stopped school bus:

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

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

5. Unlawful speed:

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

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

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

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

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

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communications device, resulting in a crash-4 points.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

316.650 Traffic citations.—

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

(c) If a traffic citation is issued under s. 316.0083 or s. 316.1896, the traffic infraction enforcement officer ~~must shall~~ 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 5 days after the date of issuance of the traffic citation to the violator. If a hearing is requested, the traffic infraction enforcement officer ~~must shall~~ 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.

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

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

318.14 Noncriminal traffic infractions; exception; procedures.—

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

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

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

(4) Of the additional fine assessed under s. 318.18(3)(g) ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must be remitted to the Department of Revenue for deposit in the Grants and Donations Trust Fund of the Division of Blind Services of the Department of Education, and 60 percent must be 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**

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

3/14/23

Meeting Date

SB 588

Bill Number or Topic

Transportation

Committee

Florida Bicycle Association

Name

Eric Draper

Phone

850 251 1301

Address

3627 Dexter Dr

Email

wenddraper@gmail.com

Street

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

## Committee Agenda Request

**To:** Senator Nick DiCeglie, Chair  
Committee on Transportation

**Subject:** Committee Agenda Request

**Date:** February 17, 2023

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I respectfully request that **Senate Bill #588**, relating to Enforcement of School Zone Speed Limits, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

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Senator Ana Maria Rodriguez  
Florida Senate, District 40

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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BILL: SB 796

INTRODUCER: Senator Wright

SUBJECT: Seaports

DATE: March 13, 2023

REVISED: \_\_\_\_\_

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

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**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.<sup>1</sup>

The FSTED Council<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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 facilities<sup>5</sup> which are not otherwise part of the FDOT's adopted work program.
- Intermodal access projects.
- Construction or rehabilitation of port facilities,<sup>6</sup> excluding any park or recreational facilities, with operating revenues of \$5 million or less, provided that such projects create economic

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<sup>1</sup> Section 311.09(1), F.S.

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> Section 311.09(3), F.S.

<sup>5</sup> 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.

<sup>6</sup> 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 annually<sup>7</sup> must be made available from the State Transportation Trust Fund (STTF) within the FDOT to fund the FSTED Program,<sup>8</sup> and the FDOT is required to include at least \$25 million in its annual legislative budget request for the program.<sup>9</sup>

### **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.<sup>10</sup>

### **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.

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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.

<sup>7</sup> 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 \(flrules.org\)](https://www.flrules.org/Template1.13) (last visited March 6, 2023).

<sup>8</sup> 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.

<sup>9</sup> Section 311.09(9), F.S.

<sup>10</sup> 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.<sup>11</sup> 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.

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<sup>11</sup> 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

2023796\_\_

A bill to be entitled

An act relating to seaports; amending s. 311.07, F.S.; 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; amending s. 311.09, F.S.; increasing the amount the Department of Transportation is required to include in its annual legislative budget request for the program; removing obsolete language; amending s. 311.10, F.S.; 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; reenacting ss. 320.20(3) and 339.0801(1)(f), F.S., relating to the disposition of license tax moneys and the allocation of increased revenues from certain provisions, respectively, to incorporate the amendment made to s. 311.07, F.S., in references thereto; providing an effective date.

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

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

311.07 Florida seaport transportation and economic development funding.—

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

Page 1 of 8

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

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

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

311.09 Florida Seaport Transportation and Economic Development Council.—

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

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

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

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

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

311.10 Strategic Port Investment Initiative.—

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

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

(b) Providing capital improvements to strategically

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

(c) Achieving state goals of an integrated intermodal transportation system,~~+~~ and

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

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

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

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

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

**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.)

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Prepared By: The Professional Staff of the Committee on Transportation

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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	<b>Fav/CS</b>
2.			MS	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**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).<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> 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.<sup>5</sup>

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)."<sup>6</sup> 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

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<sup>1</sup> 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).

<sup>2</sup> Pub. L. No. 112-95 (2012).

<sup>3</sup> 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).

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

<sup>5</sup> 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.

<sup>6</sup> Pub. L. No. 114-190 (2016).



- Other locations that warrant such restrictions.<sup>7</sup>

By the time of passage of the FAA Reauthorization Act of 2018,<sup>8</sup> 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,<sup>9</sup> near airports,<sup>10</sup> security sensitive airspace restrictions,<sup>11</sup> restricted or special use airspace,<sup>12</sup> and Washington D.C. The FAA also prohibits drone flying over an emergency or rescue operations relating to wildfires and hurricanes.<sup>13</sup>

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.<sup>14</sup> 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.<sup>15</sup> Recreational users may also download the free-of-charge “B4UFLY” app with interactive maps that help operators identify where they can and cannot fly.<sup>16</sup>

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<sup>7</sup> Pub. L. No. 114-190, s. 2209 (2016).

<sup>8</sup> Pub. L. No. 115-254 (2018).

<sup>9</sup> 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 \(faa.gov\)](https://www.faa.gov/stadiums-sporting-events) (last visited March 3, 2023).

<sup>10</sup> For details on flying drones near airports, *see* FAA, *Flying Near Airports*, available at [Flying Near Airports | Federal Aviation Administration \(faa.gov\)](https://www.faa.gov/flying-near-airports) (last visited March 3, 2023).

<sup>11</sup> 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 \(faa.gov\)](https://www.faa.gov/security-sensitive-airspace-restrictions) (last visited March 3, 2023).

<sup>12</sup> 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 \(faa.gov\)](https://www.faa.gov/restricted-or-special-use-airspace) (last visited March 3, 2023).

<sup>13</sup> *Id.*

<sup>14</sup> Available at FAA, [No Drone Zone | Federal Aviation Administration \(faa.gov\)](https://www.faa.gov/no-drone-zone) (last visited March 3, 2023).

<sup>15</sup> *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.

<sup>16</sup> *See* FAA, *B4UFLY*, available at [B4UFLY App | Federal Aviation Administration \(faa.gov\)](https://www.faa.gov/b4ufly) (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.<sup>17</sup>

### **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.<sup>18</sup>

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.<sup>19</sup>

Because the FAA has regulatory authority over matters pertaining to aviation safety,<sup>20</sup> 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 Act<sup>21</sup> defines “drone” to mean a powered, aerial vehicle that:

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

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

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

<sup>19</sup> 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).

<sup>20</sup> 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).

<sup>21</sup> 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.<sup>22</sup>

“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.<sup>23</sup>

Regulation of the operation of drones is vested in the state, except as provided in federal regulations, authorizations, or exemptions.<sup>24</sup> 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.<sup>25</sup>

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.<sup>26</sup>

<sup>22</sup> 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.

<sup>23</sup> Section 330.41(2)(a), F.S.

<sup>24</sup> “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.

<sup>25</sup> Section 330.41(3)(c), F.S.

<sup>26</sup> 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.<sup>27</sup>

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,<sup>28</sup> plus a possible additional \$500 fine.<sup>29</sup>

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.<sup>30</sup>

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.<sup>31</sup>

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.<sup>32</sup> Section 330.41, F.S., must be construed in accordance with standards imposed by federal statutes, regulations, and FAA guidance.<sup>33</sup>

### 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.

<sup>27</sup> Section 330.41(4)(a), F.S.

<sup>28</sup> Section 775.082(4)(b), F.S.

<sup>29</sup> Section 775.083(1)(e), F.S.

<sup>30</sup> Section 330.41(4)(c), F.S.

<sup>31</sup> Section 330.41(4)(d), F.S.

<sup>32</sup> Section 330.41(4)(e), F.S.

<sup>33</sup> Section 330.41(5), F.S.

- A deepwater port listed in s. 311.09(1), F.S.,<sup>34</sup> 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.<sup>35</sup>
- A spaceport territory as defined in s. 331.303(18), F.S.<sup>36</sup>
- A military installation listed in s. 163.3175(2), F.S.<sup>37</sup>
- A dam as defined in s. 373.403(1), F.S.,<sup>38</sup> 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,<sup>39</sup> plus a possible additional \$500 fine,<sup>40</sup> 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.)

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<sup>34</sup> 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.

<sup>35</sup> 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.

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

<sup>37</sup> 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.

<sup>38</sup> 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.

<sup>39</sup> Section 775.082(4)(b), F.S.

<sup>40</sup> 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.”<sup>41</sup> 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

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<sup>41</sup> 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,<sup>42</sup> plus a possible additional \$500 fine.<sup>43</sup>

**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,<sup>44</sup> 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.

<sup>42</sup> Section 775.082(4)(b), F.S.

<sup>43</sup> Section 775.083(1)(e), F.S.

<sup>44</sup> 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

~~4.3.~~ A mining facility.

~~5.4.~~ A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

~~6.5.~~ A liquid natural gas or propane gas terminal or storage facility ~~with a capacity of 4,000 gallons or more.~~

~~7.6.~~ Any portion of an aboveground oil or gas pipeline.

~~8.7.~~ A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.

9. A deepwater port listed in s. 311.09(1) or a railroad switching yard. However, such deepwater port need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.

10. An airport as defined in s. 330.27.

11. A spaceport territory as defined in s. 331.303(18).

12. A military installation listed in s. 163.3175(2).

13. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

~~14.8.~~ A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.

~~15.9.~~ 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).

~~16.10.~~ A county detention facility, as defined in s. 951.23.



763914

(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.~~

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

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

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

=====  
D I R E C T O R Y   C L A U S E   A M E N D M E N T  
=====  
And the directory clause is amended as follows:

Delete lines 12 - 13  
and insert:

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

=====  
T I T L E   A M E N D M E N T  
=====  
And the title is amended as follows:

Delete line 8  
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

03/14/2023

**APPEARANCE RECORD**

SB 908

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

Transportation

Committee

The Florida Senate

## APPEARANCE RECORD

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

908

Bill Number or Topic

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

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)

March 14, 2023

Meeting Date  
Transportation

The Florida Senate  
**APPEARANCE RECORD**

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

908

Bill Number or Topic  
763914

Committee  
Darrick D McGhee, Sr.  
Name

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

Address  
537 East Park Avenue

Email  
Darrick@teamjrb.com

Street

Tallahassee

Florida

32301

City

State

Zip

**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 \(flsenate.gov\)](#)

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



The Florida Senate

03/14/2023

Meeting Date

**APPEARANCE RECORD**

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

SB 908

Bill Number or Topic

Transportation

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 \(flsenate.gov\)](#)*

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

S-001 (08/10/2021)

MARCH 14-2023

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 908

Bill Number or Topic

TRANSPORTATION

Committee

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

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**

908

3/14/23

Meeting Date

Transportation

Committee

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

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Dawson

Phone

407 843 8880

Address

301 E. Pine Street, Suite 1400

Street

Email

chris.dawson@gray-robinson.com

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 \(flsenate.gov\)](#)

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

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

## Committee Agenda Request

**To:** Senator Nick DiCeglie, Chair  
Committee on Transportation

**Subject:** Committee Agenda Request

**Date:** February 28, 2023

---

I respectfully request that **Senate Bill #908**, relating to Unmanned Aircraft Systems Act, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

---

Senator Ana Maria Rodriguez  
Florida Senate, District 40



## 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 14<sup>th</sup>, 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](http://www.flsenate.gov)

KATHLEEN PASSIDOMO  
President of the Senate

DENNIS BAXLEY  
President Pro Tempore

# CourtSmart Tag Report

**Room:** SB 110

**Case No.:**

**Type:**

**Caption:** Senate Transportation Committee

**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

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





# THE FLORIDA SENATE

## SENATOR JASON W.B. PIZZO

### DISTRICT OFFICE:

3475 Sheridan Street  
Suite 211  
Hollywood, FL 33021  
[pizzo.jason@flsenate.gov](mailto:pizzo.jason@flsenate.gov)

### SENATE OFFICE:

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

### STAFF:

Teri Cariota  
Senior Legislative Aide  
[cariota.teri@flsenate.gov](mailto:cariota.teri@flsenate.gov)

Kayla Francis  
Legislative Aide  
[francis.kayla@flsenate.gov](mailto:francis.kayla@flsenate.gov)

Olivia Callari  
District Legislative Aide  
[callari.olivia@flsenate.gov](mailto: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

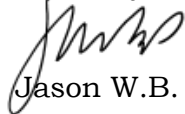
March 14, 2023

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", with a long horizontal flourish extending to the right.

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