

1 A bill to be entitled
2 An act relating to photographic enforcement of school
3 zone speed limits; amending s. 316.003, F.S.; defining
4 the term "speed detection system"; amending s.
5 316.008, F.S.; authorizing counties and municipalities
6 to enforce school speed zones through the use of speed
7 detection systems; providing a rebuttable presumption;
8 authorizing counties and municipalities to install, or
9 contract with a vendor to install, speed detection
10 systems; amending s. 316.0776, F.S.; authorizing speed
11 detection systems to be installed in accordance with
12 certain placement and installation specifications;
13 requiring the Department of Transportation to
14 establish such specifications by a certain date;
15 requiring counties and municipalities that install
16 speed detection systems to provide certain
17 notification to the public; providing signage
18 requirements; requiring counties and municipalities
19 that have never conducted a speed detection system
20 program to conduct a public awareness campaign before
21 commencing enforcement using such system; providing
22 penalties in effect during the public awareness
23 campaign; creating s. 316.1896, F.S.; authorizing
24 counties and municipalities to authorize traffic
25 infraction enforcement officers to issue certain

26 traffic citations; providing construction; providing
27 notification requirements and procedures; authorizing
28 a person who receives a notification of violation to
29 request a hearing within a specified timeframe;
30 defining the term "person"; providing for waiver of
31 challenge or dispute as to the delivery of the
32 notification of violation; requiring counties and
33 municipalities to pay certain funds to the Department
34 of Revenue; providing for the distribution of funds;
35 providing requirements for issuance of a traffic
36 citation; providing for waiver of challenge or dispute
37 as to the delivery of the traffic citation; providing
38 notification requirements and procedures; specifying
39 that the registered owner of a motor vehicle is
40 responsible and liable for paying a traffic citation;
41 providing exceptions; requiring an owner of a motor
42 vehicle to furnish an affidavit under certain
43 circumstances; specifying requirements for such
44 affidavit; providing criminal penalties; providing
45 that certain images or video and evidence of speed are
46 admissible in certain proceedings; providing a
47 rebuttable presumption; providing construction;
48 providing requirements and procedures for hearings;
49 amending s. 316.1906, F.S.; revising the definition of
50 the term "officer"; authorizing a traffic infraction

51 enforcement officer to satisfy a certain requirement
 52 by reviewing certain images or video and evidence of
 53 speed; providing requirements for speed detection
 54 systems; requiring a law enforcement agency and its
 55 agents operating a speed detection system to maintain
 56 a log of results of the system's self-tests; requiring
 57 a law enforcement agency and its agents to perform
 58 independent calibration tests of such systems;
 59 providing that self-test logs and calibration test
 60 results are admissible in certain court proceedings;
 61 amending s. 318.18, F.S.; providing penalties;
 62 amending s. 322.27, F.S.; prohibiting points from
 63 being imposed against a driver license for certain
 64 infractions enforced by a traffic infraction
 65 enforcement officer; prohibiting such infractions from
 66 being used to set motor vehicle insurance rates;
 67 amending ss. 316.306, 316.640, 316.650, 318.14,
 68 318.21, and 655.960, F.S.; conforming cross-references
 69 and provisions to changes made by the act; providing
 70 an effective date.

71
 72 Be It Enacted by the Legislature of the State of Florida:

73
 74 Section 1. Subsections (82) through (109) of section
 75 316.003, Florida Statutes, are renumbered as subsections (83)

76 through (110), respectively, a new subsection (82) is added to
 77 that section, and subsection (64) of that section is amended, to
 78 read:

79 316.003 Definitions.—The following words and phrases, when
 80 used in this chapter, shall have the meanings respectively
 81 ascribed to them in this section, except where the context
 82 otherwise requires:

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

88 (82) SPEED DETECTION SYSTEM.—An automated system used to
 89 record a vehicle's speed using radar and to capture a photograph
 90 or video of a vehicle that exceeds the speed limit in force at
 91 the time of violation.

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

94 316.008 Powers of local authorities.—

95 (9)(a) A county or municipality may enforce school speed
 96 zones, as provided in s. 316.1895, within 1 hour before, during
 97 the entirety of, and within 1 hour after a regularly scheduled
 98 school session through the use of a speed detection system for
 99 the measurement of speed and recording of photographs or videos
 100 for violations that are in excess of 10 miles per hour over the

101 speed limit in force at the time of the violation. A school
102 zone's compliance with s. 316.1895, except for s. 316.1895(6)
103 relating to a sign stating "Speeding Fines Doubled" as otherwise
104 specified in s. 316.0776, creates a rebuttable presumption that
105 the school zone is being properly maintained.

106 (b) A county or municipality may install, or contract with
107 a vendor to install, a speed detection system within 1,000 feet
108 of a school zone to enforce speed limits in school speed zones,
109 as provided in s. 316.1895.

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

112 316.0776 Traffic infraction detectors; speed detection
113 systems; placement and installation.-

114 (3) A speed detection system may be installed on a state
115 road when permitted by the Department of Transportation and in
116 accordance with placement and installation specifications
117 developed by the Department of Transportation. A speed detection
118 system may be installed on a street or highway under the
119 jurisdiction of a county or a municipality in accordance with
120 placement and installation specifications established by the
121 Department of Transportation. The Department of Transportation
122 shall establish such placement and installation specifications
123 by August 1, 2022.

124 (a) If a county or municipality installs a speed detection
125 system, the county or municipality must notify the public that a

126 speed detection system may be in use and must specifically
127 include notification of camera or video enforcement of
128 violations. Such signage used to notify the public must meet the
129 specifications for uniform signals and devices adopted by the
130 Department of Transportation pursuant to s. 316.0745. For speed
131 detection systems enforcing s. 316.1895 in school speed zones,
132 this paragraph shall govern the signage notifying the public of
133 the use of a speed detection system, and a sign stating
134 "Speeding Fines Doubled," as provided in s. 316.1895(6), is not
135 required when a violation of s. 316.1895 is enforced by a speed
136 detection system in a school speed zone.

137 (b) If a county or municipality begins a speed detection
138 system program in a county or municipality that has never
139 conducted such a program, the respective county or municipality
140 shall make a public announcement and conduct a public awareness
141 campaign on the proposed use of speed detection systems at least
142 30 days before commencing enforcement under the speed detection
143 system program and notify the public of the specific date on
144 which the program will commence. During the 30-day public
145 awareness campaign about the speed detection system program, a
146 motor vehicle operator found to have violated s. 316.1895 by a
147 speed detection system shall be issued a warning for the
148 violation and is not liable for the civil penalty imposed under
149 s. 318.18(3)(d).

150 Section 4. Section 316.1896, Florida Statutes, is created

151 to read:

152 316.1896 School speed zones; speed detection system
153 enforcement; penalties; appeal procedure.-

154 (1) For purposes of administering this section, a county
155 or municipality may authorize a traffic infraction enforcement
156 officer under s. 316.640 to issue a traffic citation for a
157 violation of s. 316.1895 that occurs within 1 hour before,
158 during, or within 1 hour after a regularly scheduled school
159 session which is in excess of 10 miles per hour over the speed
160 limit in force at the time of the violation. Such violation must
161 be evidenced by a speed detection system. This subsection does
162 not prohibit a review of information from a speed detection
163 system by an authorized employee or agent of a county or
164 municipality before issuance of the traffic citation by the
165 traffic infraction enforcement officer. This subsection does not
166 prohibit a county or municipality from issuing notifications as
167 provided in subsection (2) to the registered owner of the motor
168 vehicle in violation of s. 316.1895.

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

176 costs, and the issuance of a traffic citation. The notification
177 of violation must:

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

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

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

186 (3) Notwithstanding any other law, a person who receives a
187 notification of violation under this section may request a
188 hearing within 30 days after the notification of violation or
189 pay the penalty pursuant to the notification of violation, but a
190 payment or fee may not be required before the hearing requested
191 by the person. The notification of violation must be accompanied
192 by, or direct the person to a website that provides, information
193 on the person's right to request a hearing and on all court
194 costs related thereto and a form used for requesting a hearing.
195 As used in this subsection, the term "person" includes a natural
196 person, the registered owner or co-owner of a motor vehicle, or
197 the person identified in an affidavit as having actual care,
198 custody, or control of the motor vehicle at the time of the
199 violation.

200 (4) If the registered owner or co-owner of the motor

201 vehicle; the person designated as having care, custody, or
202 control of the motor vehicle at the time of the violation; or an
203 authorized representative of the owner, co-owner, or designated
204 person initiates a proceeding to challenge the violation, such
205 person waives any challenge or dispute as to the delivery of the
206 notification of violation.

207 (5) Penalties assessed and collected by the county or
208 municipality authorized to collect the funds provided for in
209 this section, less the amount retained by the county or
210 municipality pursuant to paragraph (b), shall be paid to the
211 Department of Revenue weekly. Payment by the county or
212 municipality to the state must be made by means of electronic
213 funds transfer. In addition to the payment, a detailed summary
214 of the penalties remitted shall be reported to the Department of
215 Revenue. Penalties to be assessed and collected by the county or
216 municipality as established in s. 318.18(3)(d) shall be remitted
217 as follows:

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

220 (b) Eighty-four dollars shall be retained by the county or
221 municipality and shall be used to administer speed detection
222 systems in school zones or other public safety initiatives.

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

226 (d) Six dollars shall be remitted to the public school
227 district in which the violation occurred and shall be used for
228 school security initiatives or to improve the safety of student
229 walking conditions. Funds remitted under this paragraph shall be
230 shared with charter schools in the district, based on each
231 charter school's proportionate share of the district's total
232 unweighted full-time equivalent student enrollment, and shall be
233 used for school security initiatives or to improve the safety of
234 student walking conditions.

235 (e) Four dollars shall be remitted to the Department of
236 Revenue for deposit into the General Revenue Fund for the
237 benefit of the Coach Aaron Feis Guardian Program.

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

246 (a) Delivery of the traffic citation constitutes
247 notification under this subsection. If the registered owner or
248 co-owner of the motor vehicle; the person designated as having
249 care, custody, or control of the motor vehicle at the time of
250 the violation; or a duly authorized representative of the owner,

251 co-owner, or designated person initiates a proceeding to
252 challenge the citation pursuant to this section, such person
253 waives any challenge or dispute as to the delivery of the
254 traffic citation.

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

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

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

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

275 (b) A uniform traffic citation was issued by law

276 enforcement to the driver of the motor vehicle for the alleged
277 violation of s. 316.1895; or

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

283 (8) To establish such facts under subsection (7), the
284 registered owner of the motor vehicle shall, within 30 days
285 after the date of issuance of the traffic citation, furnish to
286 the appropriate governmental entity an affidavit setting forth
287 detailed information supporting an exception under subsection
288 (7).

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

297 (b) If a uniform traffic citation for a violation of s.
298 316.1895 was issued at the location of the violation by a law
299 enforcement officer, the affidavit must include the serial
300 number of the uniform traffic citation.

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

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

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

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

318
 319 Upon receipt of the affidavit and documentation required under
 320 this paragraph, the governmental entity must dismiss the
 321 citation and provide proof of such dismissal to the person who
 322 submitted the affidavit.

323 (9) Upon receipt of an affidavit, the person designated as
 324 having care, custody, or control of the motor vehicle at the
 325 time of the violation may be issued a notification of violation

326 pursuant to subsection (2) for a violation of s. 316.1895. The
327 affidavit is admissible in a proceeding pursuant to this section
328 for the purpose of providing proof that the person identified in
329 the affidavit was in actual care, custody, or control of the
330 motor vehicle. The owner of a leased vehicle for which a traffic
331 citation is issued for a violation of s. 316.1895 is not
332 responsible for paying the traffic citation and is not required
333 to submit an affidavit as specified in this subsection if the
334 motor vehicle involved in the violation is registered in the
335 name of the lessee of such motor vehicle.

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

340 (11) The submission of a false affidavit is a misdemeanor
341 of the second degree, punishable as provided in s. 775.082 or s.
342 775.083.

343 (12) The photographic or electronic images, the streaming
344 video evidence, and the evidence of the speed of the vehicle as
345 measured by a speed detection system attached to or referenced
346 in the traffic citation are evidence of a violation of s.
347 316.1895 and are admissible in any proceeding to enforce this
348 section. The images or video and evidence of speed raise a
349 rebuttable presumption that the motor vehicle named in the
350 report or shown in the images or video was used in violation of

351 s. 316.1895.

352 (13) This section supplements the enforcement of s.
353 316.1895 by law enforcement officers and does not prohibit a law
354 enforcement officer from issuing a traffic citation for a
355 violation of s. 316.1895.

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

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

362 (b) The county or municipality electing to authorize
363 traffic infraction enforcement officers to issue traffic
364 citations under subsection (6) shall designate by resolution
365 existing staff to serve as the clerk to the local hearing
366 officer.

367 (c) Any person, herein referred to as the "petitioner,"
368 who elects to request a hearing under subsection (3) shall be
369 scheduled for a hearing by the clerk to the local hearing
370 officer. The clerk must furnish the petitioner with notice to be
371 sent by first-class mail. Upon receipt of the notice, the
372 petitioner may reschedule the hearing once by submitting a
373 written request to reschedule to the clerk to the local hearing
374 officer at least 5 calendar days before the day of the
375 originally scheduled hearing. The petitioner may cancel his or

376 her appearance before the local hearing officer by paying the
377 penalty assessed under subsection (2), plus the administrative
378 costs established in s. 316.0083(5)(c), before the start of the
379 hearing.

380 (d) All testimony at the hearing shall be under oath and
381 shall be recorded. The local hearing officer shall take
382 testimony from a traffic infraction enforcement officer and the
383 petitioner and may take testimony from others. The local hearing
384 officer shall review the photographic or electronic images or
385 streaming video and the evidence of the speed of the vehicle as
386 measured by a speed detection system made available under
387 paragraph (2)(b). Formal rules of evidence do not apply, but due
388 process shall be observed and govern the proceedings.

389 (e) At the conclusion of the hearing, the local hearing
390 officer shall determine whether a violation under this section
391 occurred and shall uphold or dismiss the violation. The local
392 hearing officer shall issue a final administrative order
393 including the determination and, if the notification of
394 violation is upheld, require the petitioner to pay the penalty
395 previously assessed under subsection (2), and may also require
396 the petitioner to pay county or municipal costs not to exceed
397 the amount established in s. 316.0083(5)(e). The final
398 administrative order shall be mailed to the petitioner by first-
399 class mail.

400 (f) An aggrieved party may appeal a final administrative

401 order consistent with the process provided in s. 162.11.

402 Section 5. Paragraph (d) of subsection (1) and paragraph
 403 (b) of subsection (2) of section 316.1906, Florida Statutes, are
 404 amended, and subsection (3) is added to that section, to read:

405 316.1906 Radar speed-measuring devices; evidence,
 406 admissibility.—

407 (1) DEFINITIONS.—

408 (d) "Officer" means any:

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

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

422 3. "Auxiliary law enforcement officer" who is employed or
 423 appointed, with or without compensation; who aids or assists a
 424 full-time or part-time law enforcement officer; and who, while
 425 under the direct supervision of a full-time or part-time law

426 enforcement officer, has the authority to arrest and perform law
427 enforcement functions.

428 4. "Traffic infraction enforcement officer" who is
429 employed or appointed and satisfies the requirements of s.
430 316.640(1)(b)3., with or without compensation, and who is vested
431 with authority to enforce a violation of s. 316.1895 pursuant to
432 s. 316.1896.

433 (2) Evidence of the speed of a vehicle measured by any
434 radar speed-measuring device shall be inadmissible in any
435 proceeding with respect to an alleged violation of provisions of
436 law regulating the lawful speed of vehicles, unless such
437 evidence of speed is obtained by an officer who:

438 (b) Has made an independent visual determination that the
439 vehicle is operating in excess of the applicable speed limit. A
440 traffic infraction enforcement officer may satisfy this
441 paragraph through a review of photographic or electronic images,
442 streaming video, or evidence of the speed of the vehicle as
443 measured by a speed detection system.

444 (3) A speed detection system is exempt from the design
445 requirements for radar units established by the department. A
446 speed detection system must have the ability to perform self-
447 tests as to its detection accuracy. The system must perform a
448 self-test at least once every 30 days. The law enforcement
449 agency, or an agent acting on behalf of the law enforcement
450 agency, operating a speed detection system shall maintain a log

451 of the results of the system's self-tests. The law enforcement
452 agency, or an agent acting on behalf of the law enforcement
453 agency, operating a speed detection system shall also perform an
454 independent calibration test on the speed detection system at
455 least once every 12 months. The self-test logs, as well as the
456 results of the annual calibration test, are admissible in any
457 court proceeding for a traffic citation issued for a violation
458 of s. 316.1895 enforced pursuant to s. 316.1896.

459 Section 6. Paragraphs (d) through (h) of subsection (3) of
460 section 318.18, Florida Statutes, are redesignated as paragraphs
461 (e) through (i), respectively, and a new paragraph (d) is added
462 to that subsection to read:

463 318.18 Amount of penalties.—The penalties required for a
464 noncriminal disposition pursuant to s. 318.14 or a criminal
465 offense listed in s. 318.17 are as follows:

466 (3)

467 (d) Notwithstanding paragraphs (b) and (c), a person cited
468 for exceeding the speed limit in a school zone as provided in s.
469 316.1895, when enforced by a traffic infraction enforcement
470 officer pursuant to s. 316.1896, shall pay a fine of \$158.

471 Section 7. Paragraph (d) of subsection (3) of section
472 322.27, Florida Statutes, is amended to read:

473 322.27 Authority of department to suspend or revoke driver
474 license or identification card.—

475 (3) There is established a point system for evaluation of

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

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

- 490 1. Reckless driving, willful and wanton—4 points.
- 491 2. Leaving the scene of a crash resulting in property
 492 damage of more than \$50—6 points.
- 493 3. Unlawful speed, or unlawful use of a wireless
 494 communications device, resulting in a crash—6 points.
- 495 4. Passing a stopped school bus:
 - 496 a. Not causing or resulting in serious bodily injury to or
 497 death of another—4 points.
 - 498 b. Causing or resulting in serious bodily injury to or
 499 death of another—6 points.
- 500 5. Unlawful speed:

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

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

505 c. No points shall be imposed for a violation of unlawful
 506 speed as provided in s. 316.1895 when enforced by a traffic
 507 infraction enforcement officer pursuant to s. 316.1896. In
 508 addition, a violation of s. 316.1895 when enforced by a traffic
 509 infraction enforcement officer pursuant to s. 316.1896 may not
 510 be used for purposes of setting motor vehicle insurance rates.

511 6. A violation of a traffic control signal device as
 512 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
 513 However, no points shall be imposed for a violation of s.
 514 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 515 stop at a traffic signal and when enforced by a traffic
 516 infraction enforcement officer. In addition, a violation of s.
 517 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 518 stop at a traffic signal and when enforced by a traffic
 519 infraction enforcement officer may not be used for purposes of
 520 setting motor vehicle insurance rates.

521 7. All other moving violations (including parking on a
 522 highway outside the limits of a municipality)—3 points. However,
 523 no points shall be imposed for a violation of s. 316.0741 or s.
 524 316.2065(11); and points shall be imposed for a violation of s.
 525 316.1001 only when imposed by the court after a hearing pursuant

526 to s. 318.14(5).

527 8. Any moving violation covered in this paragraph,
528 excluding unlawful speed and unlawful use of a wireless
529 communications device, resulting in a crash—4 points.

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

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

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

536 Section 8. Paragraph (a) of subsection (3) of section
537 316.306, Florida Statutes, is amended to read:

538 316.306 School and work zones; prohibition on the use of a
539 wireless communications device in a handheld manner.—

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

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

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

554 Section 9. Paragraph (a) of subsection (5) of section
555 316.640, Florida Statutes, is amended to read:

556 316.640 Enforcement.—The enforcement of the traffic laws
557 of this state is vested as follows:

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

576 addition, any such traffic infraction enforcement officer may
 577 issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~
 578 ~~316.0083~~. For purposes of enforcing s. 316.0083, and s. 316.1895
 579 pursuant to s. 316.1896 ~~s. 316.0083~~, any sheriff's department or
 580 police department of a municipality may designate employees as
 581 traffic infraction enforcement officers. The traffic infraction
 582 enforcement officers must be physically located in the county of
 583 the respective sheriff's or police department.

584 Section 10. Paragraphs (a) and (c) of subsection (3) of
 585 section 316.650, Florida Statutes, are amended to read:

586 316.650 Traffic citations.—

587 (3)(a) Except for a traffic citation issued pursuant to s.
 588 316.1001, ~~or s. 316.0083,~~ or s. 316.1896, each traffic
 589 enforcement officer, upon issuing a traffic citation to an
 590 alleged violator of any provision of the motor vehicle laws of
 591 this state or of any traffic ordinance of any municipality or
 592 town, shall deposit the original traffic citation or, in the
 593 case of a traffic enforcement agency that has an automated
 594 citation issuance system, the chief administrative officer shall
 595 provide by an electronic transmission a replica of the citation
 596 data to a court having jurisdiction over the alleged offense or
 597 with its traffic violations bureau within 5 days after issuance
 598 to the violator.

599 (c) If a traffic citation is issued under s. 316.0083 or
 600 s. 316.1896, the traffic infraction enforcement officer shall

601 provide by electronic transmission a replica of the traffic
602 citation data to the court having jurisdiction over the alleged
603 offense or its traffic violations bureau within 5 days after the
604 date of issuance of the traffic citation to the violator. If a
605 hearing is requested, the traffic infraction enforcement officer
606 shall provide a replica of the traffic notice of violation data
607 to the clerk for the local hearing officer having jurisdiction
608 over the alleged offense within 14 days.

609 Section 11. Subsection (2) of section 318.14, Florida
610 Statutes, is amended to read:

611 318.14 Noncriminal traffic infractions; exception;
612 procedures.—

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

626 Section 12. Subsections (4), (5), and (15) of section
627 318.21, Florida Statutes, are amended to read:

628 318.21 Disposition of civil penalties by county courts.—
629 All civil penalties received by a county court pursuant to the
630 provisions of this chapter shall be distributed and paid monthly
631 as follows:

632 (4) Of the additional fine assessed under s. 318.18(3)(g)
633 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
634 be remitted to the Department of Revenue for deposit in the
635 Grants and Donations Trust Fund of the Division of Blind
636 Services of the Department of Education, and 60 percent must be
637 distributed pursuant to subsections (1) and (2).

638 (5) Of the additional fine assessed under s. 318.18(3)(g)
639 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
640 must be remitted to the Department of Revenue for deposit in the
641 Grants and Donations Trust Fund of the Division of Vocational
642 Rehabilitation of the Department of Education, and 40 percent
643 must be distributed pursuant to subsections (1) and (2).

644 (15) Of the additional fine assessed under s. 318.18(3)(f)
645 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
646 the moneys received from the fines shall be appropriated to the
647 Agency for Health Care Administration as general revenue to
648 provide an enhanced Medicaid payment to nursing homes that serve
649 Medicaid recipients with brain and spinal cord injuries. The
650 remaining 50 percent of the moneys received from the enhanced

651 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be
 652 remitted to the Department of Revenue and deposited into the
 653 Department of Health Emergency Medical Services Trust Fund to
 654 provide financial support to certified trauma centers in the
 655 counties where enhanced penalty zones are established to ensure
 656 the availability and accessibility of trauma services. Funds
 657 deposited into the Emergency Medical Services Trust Fund under
 658 this subsection shall be allocated as follows:

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

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

666 Section 13. Subsection (1) of section 655.960, Florida
 667 Statutes, is amended to read:

668 655.960 Definitions; ss. 655.960-655.965.—As used in this
 669 section and ss. 655.961-655.965, unless the context otherwise
 670 requires:

671 (1) "Access area" means any paved walkway or sidewalk
 672 which is within 50 feet of any automated teller machine. The
 673 term does not include any street or highway open to the use of
 674 the public, as defined in s. 316.003(88)(a) or (b) ~~s.~~
 675 ~~316.003(87)(a) or (b)~~, including any adjacent sidewalk, as

HB 189

2022

676 | defined in s. 316.003.

677 | Section 14. This act shall take effect upon becoming a

678 | law.