

By Senator Rodriguez

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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 the  
11      installation of speed detection systems on state  
12      roads, when permitted by the Department of  
13      Transportation, and on streets and highways under the  
14      jurisdiction of counties and municipalities, in  
15      accordance with certain placement and installation  
16      specifications; requiring the department to establish  
17      such specifications by a certain date; requiring  
18      counties and municipalities that install speed  
19      detection systems to provide certain notification to  
20      the public; providing signage requirements; requiring  
21      counties and municipalities that have never conducted  
22      a speed detection system program to conduct a public  
23      awareness campaign before commencing enforcement using  
24      such system; providing penalties in effect during the  
25      public awareness campaign; creating s. 316.1896, F.S.;  
26      authorizing counties and municipalities to authorize  
27      traffic infraction enforcement officers to issue  
28      certain traffic citations; providing construction;  
29      providing notification requirements and procedures;

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30 authorizing a person who receives a notification of  
31 violation to request a hearing within a specified  
32 timeframe; defining the term "person"; providing for  
33 waiver of challenge or dispute as to the delivery of  
34 the notification of violation; requiring counties and  
35 municipalities to pay certain funds to the Department  
36 of Revenue; providing for the distribution of funds;  
37 providing requirements for issuance of a traffic  
38 citation; providing for waiver of challenge or dispute  
39 as to the delivery of the traffic citation; providing  
40 notification requirements and procedures; specifying  
41 that the registered owner of a motor vehicle is  
42 responsible and liable for paying a traffic citation;  
43 providing exceptions; requiring an owner of a motor  
44 vehicle to furnish an affidavit under certain  
45 circumstances; specifying requirements for such  
46 affidavit; providing a criminal penalty for submitting  
47 a false affidavit; providing that certain images or  
48 video and evidence of speed are admissible in certain  
49 proceedings; providing a rebuttable presumption;  
50 providing construction; providing requirements and  
51 procedures for hearings; amending s. 316.1906, F.S.;  
52 revising the definition of the term "officer";  
53 authorizing a traffic infraction enforcement officer  
54 to satisfy a certain requirement by reviewing certain  
55 images or video and evidence of speed; providing  
56 requirements for speed detection systems; requiring a  
57 law enforcement agency and its agents operating a  
58 speed detection system to maintain a log of results of

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

73  
 74 Be It Enacted by the Legislature of the State of Florida:

75  
 76 Section 1. Present subsections (82) through (109) of  
 77 section 316.003, Florida Statutes, are redesignated as  
 78 subsections (83) through (110), respectively, a new subsection  
 79 (82) is added to that section, and subsection (64) of that  
 80 section is amended, to read:

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

85 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise provided  
 86 in paragraph (88) (b) ~~(87) (b)~~, any privately owned way or place  
 87 used for vehicular travel by the owner and those having express

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88 or implied permission from the owner, but not by other persons.

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

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

95 316.008 Powers of local authorities.—

96 (9) (a) A county or municipality may enforce school speed  
97 zones, as provided in s. 316.1895, within 1 hour before, during  
98 the entirety of, and within 1 hour after a regularly scheduled  
99 school session through the use of a speed detection system for  
100 the measurement of speed and recording of photographs or videos  
101 for violations that are in excess of 10 miles per hour over the  
102 speed limit in force at the time of the violation. A school  
103 zone's compliance with s. 316.1895, except for s. 316.1895(6)  
104 relating to a sign stating "Speeding Fines Doubled" as otherwise  
105 specified in s. 316.0776, creates a rebuttable presumption that  
106 the school zone is being properly maintained.

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

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

113 316.0776 Traffic infraction detectors; speed detection  
114 systems; placement and installation.—

115 (3) A speed detection system may be installed on a state  
116 road when permitted by the Department of Transportation and in

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

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

138 (b) If a county or municipality begins a speed detection  
139 system program in a county or municipality that has never  
140 conducted such a program, the respective county or municipality  
141 shall make a public announcement and conduct a public awareness  
142 campaign on the proposed use of speed detection systems at least  
143 30 days before commencing enforcement under the speed detection  
144 system program and notify the public of the specific date on  
145 which the program will commence. During the 30-day public

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146 awareness campaign about the speed detection system program, a  
147 motor vehicle operator found to have violated s. 316.1895 by a  
148 speed detection system shall be issued a warning for the  
149 violation and is not liable for the civil penalty imposed under  
150 s. 318.18(3) (d).

151 Section 4. Section 316.1896, Florida Statutes, is created  
152 to read:

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

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

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

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175 accordance with subsection (8), within 30 days after the date of  
176 the notification of violation in order to avoid court fees,  
177 costs, and the issuance of a traffic citation. The notification  
178 of violation must:

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

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

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

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

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

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

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

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

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

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

228 (d) Six dollars shall be remitted to the public school  
229 district in which the violation occurred and shall be used for  
230 school security initiatives or to improve the safety of student  
231 walking conditions. Funds remitted under this paragraph shall be  
232 shared with charter schools in the district, based on each

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233 charter school's proportionate share of the district's total  
234 unweighted full-time equivalent student enrollment, and shall be  
235 used for school security initiatives or to improve the safety of  
236 student walking conditions.

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

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

248 (a) Delivery of the traffic citation constitutes  
249 notification under this subsection. If the registered owner or  
250 co-owner of the motor vehicle; the person designated as having  
251 care, custody, or control of the motor vehicle at the time of  
252 the violation; or a duly authorized representative of the owner,  
253 co-owner, or designated person initiates a proceeding to  
254 challenge the citation pursuant to this section, such person  
255 waives any challenge or dispute as to the delivery of the  
256 traffic citation.

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

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

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

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

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

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

285 (8) To establish such facts under subsection (7), the  
286 registered owner of the motor vehicle shall, within 30 days  
287 after the date of issuance of the traffic citation, furnish to  
288 the appropriate governmental entity an affidavit setting forth  
289 detailed information supporting an exception under subsection  
290 (7).

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

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

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

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

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

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

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

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

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

342 (11) The submission of a false affidavit is a misdemeanor  
343 of the second degree, punishable as provided in s. 775.082 or s.  
344 775.083.

345 (12) The photographic or electronic images, the streaming  
346 video evidence, and the evidence of the speed of the vehicle as  
347 measured by a speed detection system attached to or referenced  
348 in the traffic citation are evidence of a violation of s.

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349 316.1895 and are admissible in any proceeding to enforce this  
350 section. The images or video and evidence of speed raise a  
351 rebuttable presumption that the motor vehicle named in the  
352 report or shown in the images or video was used in violation of  
353 s. 316.1895.

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

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

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

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

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

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

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

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

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

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

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407 316.1906 Radar speed-measuring devices; evidence,  
408 admissibility.—

409 (1) DEFINITIONS.—

410 (d) "Officer" means any:

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

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

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

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

435 (2) Evidence of the speed of a vehicle measured by any

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436 radar speed-measuring device shall be inadmissible in any  
437 proceeding with respect to an alleged violation of provisions of  
438 law regulating the lawful speed of vehicles, unless such  
439 evidence of speed is obtained by an officer who:

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

446 (3) A speed detection system is exempt from the design  
447 requirements for radar units established by the department. A  
448 speed detection system must have the ability to perform self-  
449 tests as to its detection accuracy. The system must perform a  
450 self-test at least once every 30 days. The law enforcement  
451 agency, or an agent acting on behalf of the law enforcement  
452 agency, operating a speed detection system shall maintain a log  
453 of the results of the system's self-tests. The law enforcement  
454 agency, or an agent acting on behalf of the law enforcement  
455 agency, operating a speed detection system shall also perform an  
456 independent calibration test on the speed detection system at  
457 least once every 12 months. The self-test logs, as well as the  
458 results of the annual calibration test, are admissible in any  
459 court proceeding for a traffic citation issued for a violation  
460 of s. 316.1895 enforced pursuant to s. 316.1896.

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

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

468 (3)

469 (d) Notwithstanding paragraphs (b) and (c), a person cited  
470 for exceeding the speed limit in a school zone as provided in s.  
471 316.1895, when enforced by a traffic infraction enforcement  
472 officer pursuant to s. 316.1896, shall pay a fine of \$158.

473 Section 7. Paragraph (d) of subsection (3) of section  
474 322.27, Florida Statutes, is amended to read:

475 322.27 Authority of department to suspend or revoke driver  
476 license or identification card.—

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

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

- 492 1. Reckless driving, willful and wanton—4 points.  
493 2. Leaving the scene of a crash resulting in property

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494 damage of more than \$50-6 points.

495 3. Unlawful speed, or unlawful use of a wireless  
496 communications device, resulting in a crash-6 points.

497 4. Passing a stopped school bus:

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

500 b. Causing or resulting in serious bodily injury to or  
501 death of another-6 points.

502 5. Unlawful speed:

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

505 b. In excess of 15 miles per hour of lawful or posted  
506 speed-4 points.

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

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

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523           7. All other moving violations (including parking on a  
524 highway outside the limits of a municipality)—3 points. However,  
525 no points shall be imposed for a violation of s. 316.0741 or s.  
526 316.2065(11); and points shall be imposed for a violation of s.  
527 316.1001 only when imposed by the court after a hearing pursuant  
528 to s. 318.14(5).

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

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

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

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

538           Section 8. Paragraph (a) of subsection (3) of section  
539 316.306, Florida Statutes, is amended to read:

540           316.306 School and work zones; prohibition on the use of a  
541 wireless communications device in a handheld manner.—

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

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

556           Section 9. Paragraph (a) of subsection (5) of section  
557 316.640, Florida Statutes, is amended to read:

558           316.640 Enforcement.—The enforcement of the traffic laws of  
559 this state is vested as follows:

560           (5) (a) Any sheriff's department or police department of a  
561 municipality may employ, as a traffic infraction enforcement  
562 officer, any individual who successfully completes instruction  
563 in traffic enforcement procedures and court presentation through  
564 the Selective Traffic Enforcement Program as approved by the  
565 Division of Criminal Justice Standards and Training of the  
566 Department of Law Enforcement, or through a similar program, but  
567 who does not necessarily otherwise meet the uniform minimum  
568 standards established by the Criminal Justice Standards and  
569 Training Commission for law enforcement officers or auxiliary  
570 law enforcement officers under s. 943.13. Any such traffic  
571 infraction enforcement officer who observes the commission of a  
572 traffic infraction or, in the case of a parking infraction, who  
573 observes an illegally parked vehicle may issue a traffic  
574 citation for the infraction when, based upon personal  
575 investigation, he or she has reasonable and probable grounds to  
576 believe that an offense has been committed which constitutes a  
577 noncriminal traffic infraction as defined in s. 318.14. In  
578 addition, any such traffic infraction enforcement officer may  
579 issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~  
580 ~~316.0083~~. For purposes of enforcing s. 316.0083, and s. 316.1895

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581 pursuant to s. 316.1896 ~~s. 316.0083~~, any sheriff's department or  
582 police department of a municipality may designate employees as  
583 traffic infraction enforcement officers. The traffic infraction  
584 enforcement officers must be physically located in the county of  
585 the respective sheriff's or police department.

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

588 316.650 Traffic citations.—

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

601 (c) If a traffic citation is issued under s. 316.0083 or s.  
602 316.1896, the traffic infraction enforcement officer shall  
603 provide by electronic transmission a replica of the traffic  
604 citation data to the court having jurisdiction over the alleged  
605 offense or its traffic violations bureau within 5 days after the  
606 date of issuance of the traffic citation to the violator. If a  
607 hearing is requested, the traffic infraction enforcement officer  
608 shall provide a replica of the traffic notice of violation data  
609 to the clerk for the local hearing officer having jurisdiction

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610 over the alleged offense within 14 days.

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

613 318.14 Noncriminal traffic infractions; exception;  
614 procedures.—

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

628 Section 12. Subsections (4), (5), and (15) of section  
629 318.21, Florida Statutes, are amended to read:

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

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

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639 distributed pursuant to subsections (1) and (2).

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

646 (15) Of the additional fine assessed under s. 318.18(3)(f)  
647 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of  
648 the moneys received from the fines shall be appropriated to the  
649 Agency for Health Care Administration as general revenue to  
650 provide an enhanced Medicaid payment to nursing homes that serve  
651 Medicaid recipients with brain and spinal cord injuries. The  
652 remaining 50 percent of the moneys received from the enhanced  
653 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be  
654 remitted to the Department of Revenue and deposited into the  
655 Department of Health Emergency Medical Services Trust Fund to  
656 provide financial support to certified trauma centers in the  
657 counties where enhanced penalty zones are established to ensure  
658 the availability and accessibility of trauma services. Funds  
659 deposited into the Emergency Medical Services Trust Fund under  
660 this subsection shall be allocated as follows:

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

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

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

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

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

678 Section 14. This act shall take effect upon becoming a law.